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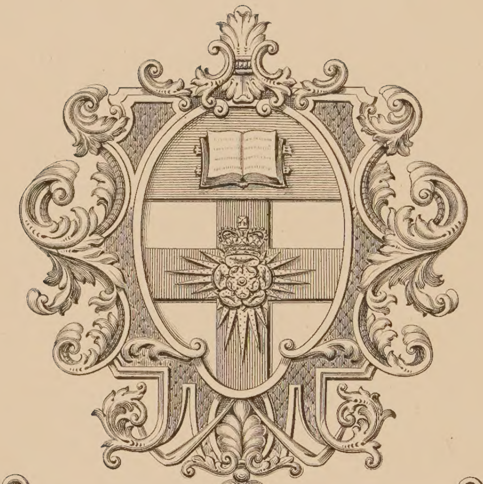

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THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

20° & 21° VICTORIÆ, 1857.

VOL. CXLVII.

COMPRISING THE PERIOD FROM

THE TWENTIETH DAY OF JULY, 1857,

TO

THE TWENTY-EIGHTH DAY OF AUGUST, 1857.

Third & last Volume of Session 1857 (b).

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *SEVENTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 30 APRIL, 1857, IN THE TWENTIETH
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, July 20, 1857.

MINUTES.] *Sat First in Parliament.*—The Duke of Marlborough after the Death of his Father.

PUBLIC BILLS.—2^{a} Thames Conservancy; Mersey Conservancy and Docks.

3^{a} Larceny, &c.; Offences against the Person; Malicious Injuries to Property; Forgery; Libel; Coinage Offences; Deer, Game, and Rabbits; Accessories and Abettors.

THAMES CONSERVANCY BILL.

SECOND READING.

LORD ST. LEONARDS said, the object of this Bill was to carry into effect an agreement which had been come to between the Crown and the Corporation of London, for the settlement of the litigation that had been going on between them as to the right to the bed and shores of the River Thames as far as the tidal waters flowed. From time immemorial rights of conservancy had been exercised by the Corporation over the River Thames, and he believed those rights had been exercised without any just cause of complaint. He did not know any public rights that had been exercised with less cause of complaint. The Corporation having undefined and also defined rights to a large extent over the shore of the river, they also believed that they were entitled to the bed and shore of the river as far as the tidal waters flowed; but this was denied by the Crown, and the result was the law-suits to which he had referred. After the questions in dispute had been for some time litigated in the courts of law, an agreement had been come to vesting all the rights, whatever they were, both of the Crown and the City, in a Board of Conservancy; and the Bill before the House was to carry out that agreement. As both parties were content with the arrangement, he anticipated no opposition to the Bill. The dues would be levied as now, and would be applied wholly to the conservancy of the river. It had been agreed that the Crown should receive one-third of the sums paid by private parties for the exercise of privileges on the river, and that the other two-thirds, as well as the whole of the other sums received, would be devoted to the conservancy of the river. The Corporation was performing a great public duty without deriving any private advantage whatever. Had the right been left in the Corporation there was no reason to anticipate, looking at what had been done before, that it would be abused; but it had been deemed best to transfer those powers to a new Board of Conservancy. To the powers of this Board he believed no objection could be raised; but if any objection was raised it would probably be to the constitution of the Board. The Bill proposed that that Board should consist of the following members:—The Lord Mayor for the time being, two Aldermen, and four Common Councilmen; those Aldermen and Common Councilmen to be chosen expressly by the Common Council as conservators. The other members of the Board would consist of the following persons:—The Deputy-Master of Trinity House for the time being, a conservator to be named by the Trinity House, two to be named by the Admiralty, and one by the Board of Trade. It would be impossible to name five persons more fitted to perform the duties of conservators. The Bill would not so much create new rights as transfer existing rights to a new body. Nothing was more reasonable than that the city Corporation should have the majority proposed to be given to it by the Bill. The Corporation had expended £50,000 out of their funds in improving the River Thames, for which they claimed no compensation whatever.

Moved, That the Bill be now read 2ª.

THE DUKE OF NEWCASTLE rose to oppose the Bill. He did not think that his noble and learned Friend had sufficiently explained its origin. When he was Chief Commissioner of Woods and Forests, about thirteen years ago, contests were constantly going on between the Crown and the City of London with regard to the soil and bed of the River Thames. Having found that under the assumed jurisdiction of the Corporation of London embankments had been made along the River Thames, in evasion, as he believed, of the rights of the Crown, and to the detriment of the public interests, he entered upon those lawsuits which had been going on for a series of years since. These lawsuits had been prolonged by the legal technicalities of which the Corporation repeatedly availed itself, but in every one of the points which had been brought to a decision the verdict was in favour of the Crown. The Government finding that these suits led to great expense, and were very protracted, had recourse last autumn or winter to a compromise, the basis of which was this,—that whereas the Crown claimed to be the proprietor of the soil and bed of the river, it should surrender its rights to the City of London as conservators of the river upon condition that, whenever any sale should take place, or any licence be given which produced money, one-third of that money should be paid to the Crown and two-thirds should be carried to the conservancy account. He did not wish to enter into the question whether that was a fair compromise so far as the rights of the Crown were concerned. He would assume that it was, and that the Commissioners of Woods had done perfectly right so far as that point was concerned; but, speaking for himself, and he believed for those who carried on these suits after he left the office of Commissioner of Woods, he might observe that the object in carrying them on was not so much to defend some pecuniary rights of the Crown as to protect on behalf of the public the great highway of the country, and to place it under a better jurisdiction. But, so far from that object being attained by this compromise, the conservancy of the river, in which the public were so greatly interested, would be handed over to that very body which he, as well as his successors in the office of Commissioner of Woods, believed to be incompetent. His noble and learned Friend had said that no complaints were ever made of the manner in which the city Corporation had discharged the duty of conservator of the Thames: but, if he would refer to the evidence which was taken before the Metropolitan Improvement Commission, some twelve or thirteen years ago, he would find that there were numerous instances of such complaints. He did not mean to charge the Corporation with jobbing or any unfair proceedings; but at any rate the complaints went to the extent of charging the Corporation with having incompetently fulfilled the very important duty of conservator of the river. His noble and learned Friend would have their Lordships believe that the Corporation had consented to sacrifice their rights by agreeing to let five nominees of the Crown participate with them in the conservancy of the river, which office he said they had heretofore exercised without control; but the truth was, that ever since the commencement of the lawsuits which were instituted under his directions, the conservancy of the Thames by the Corporation had been entirely inoperative, so far as encroachments on the bed of the river were concerned; and for this reason—the Crown's right to the bed and soil was well founded, and had since been frequently established in courts of law, and consequently until the Crown's rights were surrendered, the assumed rights of the city were valueless. The river was at this moment like a vast sewer, and unless something were done before long to purify it, it would engender some frightful plague among the two and a-half millions of people who inhabited the metropolis. If they meant to intercept the sewage of that vast city, they must embank the Thames in some way or other; but this Bill, by giving to the Corporation of London the power of licensing encroachments on the river, would greatly increase the expense attending the future embankment of the Thames. It was a farce to call the proposed Board an elective body, when seven members out of the entire twelve were to be composed of the Lord Mayor, the Aldermen, and Common Councilmen of the City of London; and when by making the Lord Mayor official Chairman of the Board and Committees, they took the power entirely out of the hands of the Crown to remedy the evils complained of. The question affected the whole of the population along the banks of the river between Staines and Yantlet Creek, and it was therefore absurd to confine the representation at the Board to so small a portion of the metropolis as the City of London proper. He did not make it a charge against this body that it would job, but its functions ought to be entrusted to a Board thoroughly competent for the task. The Bill invested them with immense powers of taxation; it enabled them to grant licenses to persons wishing to erect piers or wharfs on its banks, and it even placed the Trinity Board in subjection to this body of conservators. The future management of the river would be practically in the hands of the City of London, who would be entirely free from responsibility or control. The Board of Trade had presented a most excellent Report, which was wholly adverse to this Bill, and it was therefore remarkable that the Government should support the measure. Moreover, the present Chancellor of the Exchequer and the Secretary for the Colonies were members of the Commission which sat three or four years ago on the reform of the Corporation of London, and one of the most prominent recommendations in the Report of that Commission was, that the conservancy of the Thames should be taken out of the hands of the City of London and entrusted to a board of five members, of whom the City of London should have the right of appointing only one. Believing that the inhabitants of the metropolis at large would have just cause of complaint if this Bill were passed, he begged to move that it be read a second time that day three months.

Amendment *moved*, to leave out ("now") and insert ("this day three months").

Lord CAMPBELL, not being prepared to offer any opinion on the merits of the Bill, should abstain from voting upon it. But he must warn their Lordships to look with some suspicion on the connection of the City of London with the conservancy of the river. When Attorney General it was his duty to examine into the title of the City of London to the soil of the Thames, when it turned out that though the Corporation were *de jure* the conservators of the river, the soil belonged undoubtedly to the Crown, and their assumption of rights over it was entirely an usurpation. It would be much better that the right to the soil should remain in the Crown instead of being transferred to the Corporation, because, although the City of London had in other respects great claims to the gratitude of the country, their conduct in regard to the conservancy of the Thames had often been the subject of strong complaint.

Earl GRANVILLE said, that the Corporation of the City of London were by law conservators of the river, but the right to the soil was undoubtedly in the Crown; and this Bill would put a stop to litigation between the Crown and the City, and would be an advantageous compromise on the part of the Crown, since one-third of the property arising from the soil would be handed over to the Crown, while two-thirds would be applied by the new Board towards the improvement of the navigation of the river. It was very desirable that an end should be put, as soon as possible, to the questions in dispute between the Crown and the City, and he could assure the noble Duke that the Bill would not interfere with any embankments that might be made.

The Duke of NEWCASTLE thought the City had some reason for believing that they had gained an advantage over the Crown in this Bill. The Bill specifically handed over the property in the shore and bed of the river to the Mayor and Corporation of the City. [Earl Granville: As conservators of the river.] He maintained that the Bill handed over to the existing Conservancy Board, and not to the future Board, rights which the Bill said in the preamble belonged to the Crown.

Lord St. Leonards said, that before taking charge of this Bill, he satisfied himself that it was a proper measure to be passed. The Crown was to transfer its right to the soil for a money consideration to be paid down, and a sum to be paid annually. No doubt the Bill transferred the whole right of the Crown to the City in the first place, and then to the new body. The Bill would put a stop to litigation which had lasted for years, and which would prevent all improvement in the river until it was put an end to. In his opinion it would be impossible to constitute a fairer body to carry out the objects which the promoters of the Bill had in view than that which the measure itself provided.

On Question, That ("now") stand part of the Motion? their Lordships *divided:*—Contents 44; Not-Contents 5: Majority 39.

Resolved in the *affirmative;* Bill read 2ª accordingly and *committed.* The Committee to be proposed by the Lords Committees appointed for proposing Committees on opposed Bills.

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MERSEY CONSERVANCY AND DOCKS BILL.

SECOND READING.

The Order of the Day for the second reading having been read,

Several noble Lords *presented* petitions in favour of the Bill.

The Earl of Derby presented a petition against it signed by 13,000 of the inhabitants of Liverpool, comprising among their number 900 of the principal merchants of that city. The petitioners alleged that whereas the management of the Liverpool Dock estates was at present vested in a body consisting of twenty-four persons, twelve of whom were the representatives of the corporation, which was elected by the ratepayers generally, and the other twelve by the dock ratepayers, the Bill under the notice of the House proposed to alter the constitutional body, and to form a new trust from which the Corporation was to be altogether excluded. The petitioners then proceeded to urge their objections to that proposal, complaining that it would introduce into the management of the Dock estate the principle of Government influence, and that it would in that and other respects operate as a great injustice, notwithstanding that the Bill contained no allegation of mal-administration or breach of trust upon the part of the existing management. They also complained of the appropriation of the town dues without the slightest compensation for such appropriation being made. They then went on to state that a measure upon such a subject ought to be a public and not a private Bill. For the present he would content himself with stating to their Lordships the allegations contained in the petition, reserving to himself the right of making such further observations as he might think fit upon the Motion, which he understood a noble Friend (Lord Ravensworth) was about to make, to postpone the second reading of the Bill.

The Duke of Newcastle said he apprehended that after the decision to which their Lordships had just come, they would have no hesitation in giving a second reading to the Bill now before them—the principle of that decision having been that in cases like the present their Lordships would send the Bill before a Select Committee upstairs, in preference to rejecting it on the second reading. It was unnecessary that he should go back to the origin of these dues on Shipping, and to show how they were first levied. In 1844, in consequence of a supposed inability of the port of Liverpool to supply accommodation for the increased wants of our trade in that quarter, a project was originated for making docks at Birkenhead, and a

Bill was obtained for that purpose. Since that period no year had passed in which the Liverpool Corporation, or dock trustees or the Commissioners of Birkenhead, had not applied to Parliament for increased powers; and in 1855 there were no fewer than four measures before Parliament for that purpose. They were referred as one group to a Select Committee, of which Mr. Labouchere was the chairman; and the result was that all of them were withdrawn, and an agreement come to, some of the stipulations of which had been carried into effect, but others, in consequence of the standing orders, could not at once be acted upon. Last year the Corporation brought in a bill to carry into effect those omitted parts of the agreement; but it was found that they had neglected to include those stipulations which more particularly affected themselves. The Bill was rejected, and this year the corporation had brought forward another measure similar to the last. Fortunately other parties—parties representing the mercantile interests—anticipated their intention, and having given the requisite notices, they had brought in a Bill, of which he was about to move the second reading. Now, the first objection which he thought might be brought against it was that it attempted to carry, with respect to Liverpool, the general measure which Mr. Lowe had been obliged to withdraw last year. But that objection was wholly unfounded. The Bill did not abolish the dues on shipping; it transferred them, it was true, to a new body; but that body would have an interest in maintaining them. Even if this Bill did interfere with those dues, he contended that no one would have a right to quarrel with the form in which it was brought forward. Last year the noble Lord at the head of the Government declared that the measure was withdrawn because Mr. Lowe, in introducing it, had overlooked the widely different circumstances in which the various places concerned were placed, by which it was made impossible to reconcile the conflicting interests of the several ports; and the noble Lord declared that the subject would be better dealt with by private Bills than by public legislation. Again, a public Bill would not have given the opponents of the measure that *locus standi*, or those rights of notice, which they enjoyed with regard to private legislation. Another statement that would probably be made was, that this was a measure of spoliation. To that he had two answers. First, it was not a measure of spoliation—it did not violate private property; and in the next place he could show that Parliament had often dealt with private property in a much more stringent manner than was now proposed to be done. He might refer, in proof of that assertion, to the measure for municipal reform, which had been recognised by the most eminent lawyers as having dealt with property which was private in the most absolute sense of the term. He defied any one to say that this was a municipal trust—on the contrary, it was a shipping trust, and there was nothing till the passing of the Municipal Act which made it a trust in any form whatever. His noble Friend (the Earl of Harrowby) was Member for Liverpool at the time, and took care to keep Parliament in the dark on the subject. Three years ago, the House dealt in the most summary manner with the Trinity Board, interfered with its revenues, and placed them under the control of the Board of Trade, and thereby introduced the principle of central control which was now so strongly deprecated in the petition the noble Lord had presented from Liverpool. But when they talked of spoliation, he maintained that this was not private property, properly so called. Before 1708 all the legal documents and every Act connected with it proved that the municipal corporation of Liverpool considered themselves as acting as trustees for shipping purposes, the surplus only being for other purposes. In 1708 an Act was first introduced for making docks at Liverpool, and that Act, and every subsequent Act to 1785 proved that they were trustees for this purpose. In 1785 a new state of things arose. These dues, which before amounted to hundreds of pounds a year, now amounted to tens of thousands, and in that year the Corporation of Liverpool obtained a measure which entirely altered the state of this fund. They introduced the ingenious expedient of introducing a new dock trust; but inasmuch as the dock trustees were exactly the same body as the municipal corporation, of course the latter could deal with the funds. The municipal corporation sold land to themselves as dock trustees, selling more than land enough for one dock, and so on, and thus the funds were from time to time transferred to the corporation by the sale of those lands. The result was, that from time to time funds amounting to a million sterling were transferred to the municipal corporation. In 1825, finding the commissioners of audit under the former Act were exercising an inconvenient control, they obtained an Act abolishing that body. Look at the different way in which they had dealt with other parties holding land required for the purposes of building docks. They said to the two noblemen owning those lands, "Inasmuch as we shall improve the remainder of your land, you must give that which we want for docks for nothing," and they did so.

THE EARL OF DERBY was understood to deny the accuracy of this statement.

THE DUKE OF NEWCASTLE said at any rate the land was sold for a mere nominal value. The present measure was promoted by private parties, but it ought to pass for the promotion of the public interest. They had for this Bill, first the Report of the Admiralty of 1851, then a Report of the Board of Trade, of 1857, they had then the Committee of 1855, and they had the Shipping Dues Committee of last year, all reporting in favour of this measure, and last of all they had the Committee of the House of Commons on this Bill, who devoted twenty-five days to it. There was only one point he had to notice, that this Bill did not provide compensation. He did not think that the town of Liverpool would gravely offer this as a ground of opposition, seeing that a large portion of the debt of the corporation was to be taken by those who, under this Bill, were to have charge of the dues.

Moved, that the Bill be now read a second time.

LORD RAVENSWORTH rose to oppose the Bill, as being a violent and arbitrary measure, at variance with the existing law of the land, and with the great principles of justice which ought to regulate all proceedings of this kind, and subversive of the rights of property. It was true that the Bill had passed the House of Commons without any serious opposition, but its progress had been attended with very peculiar circumstances. When interests of this magnitude were to be considered, he did not know that there was a worse tribunal than the House of Commons upon the second reading of a private Bill. Hon. Members were anxious to get to the public business; it was supposed that the subject would be thoroughly considered by the Committee upstairs; a buzz of impatience generally went through the House, and the greatest desire was expressed to dispose of the measure. Mr. Milner Gibson, when the second reading of this Bill was proposed, said the House would not affirm the principle of the measure by assenting to the second reading. Yet what took place in the Committee? There the Chairman stated that the Committee would probably have entertained a peculiar difficulty with regard to the principle if it were not that that principle had already been adopted and sanctioned by the House. As regarded the composition of these Committees, Members supposed to be particularly interested in the subject, were not admitted to serve upon them; but this exclusion, in his opinion, was a piece of one-sided justice and partial impartiality; no precaution was taken against having as members, or even as chairman, gentlemen who had come to foregone conclusions on the subject under consideration, and it was thus possible that the grossest partiality and injustice might be perpetrated. He contended that this was a measure of spoliation. The principle of compensation was altogether ignored by the Bill, although it had been acted upon and over again in similar cases by the Legislature. He believed that the object in proposing the Bill was to achieve a conquest over the Corporation of Liverpool, which could not have been achieved if Liverpool had been joined with the other ports of the kingdom in a general Bill; and when that conquest over Liverpool was effected, the other ports would be dealt with in succession in a similar manner. The noble Duke had said that the Corporation of Liverpool had neglected the interests of that port; but if that were so, how did it happen that the shipping of Liverpool had increased so enormously, and that her new docks extended several miles? The noble Duke had given no good reason why their Lordships should assent to the second reading of a private Bill which interfered with important objects, and menaced the security of the property of every corporation in the kingdom. He begged, therefore, to move that the Bill be read a second time that day three months.

Amendment moved to leave out ("now,") and insert ("this day three months.")

LORD WENSLEYDALE said that he felt it his duty to oppose the second reading of this Bill. The measure was one which their Lordships' well-known regard for the rights of property should induce them to reject. The right to these tolls was originally granted by the Crown, and the mere fact that the revenue raised from them had enormously increased, in no way affected the validity of the title of their owners. This Bill involved principles which ought not to be introduced into a private measure. The right of the Corporation of Liverpool to levy these tolls had been established beyond all doubt, and had been decided in a case before Lord Denman. The total amount which they produced in the year 1572, was only £22. In 1847 they had increased to £100,000, and they now amounted to £150,000. If the Corporation of Liverpool were to be robbed of this amount without compensation, they would be obliged to impose a borough rate, the value of property within the borough would be diminished, and private interests would be injuriously affected. The Liverpool docks were commenced in 1710, when they occupied only five acres. They now covered an area of 200 acres, and were sixteen miles in length. Previous to 1825 they were under the sole management of the Corporation, but in that year the merchants obtained a share in the management, and were associated with the Corporation in the dock trust. No complaint had been made that the dock trustees had failed to provide suitable dock accommodation, and he could conceive no Parliamentary, or public, or reasonable ground for taking away so valuable a property from the Corporation of Liverpool without compensation. He thought he had stated to their Lordships reasons sufficiently strong why they should not read the Bill a second time. To do so would be, in his opinion, to act in violation of that great principle of our law by which it was provided that no person should be deprived of his property without due compensation being made.

THE MARQUESS OF CLANRICARDE contended that neither the noble Lord who had moved the rejection of the Bill, nor the noble and Learned Lord who had just sat down, had furnished any grounds which would justify their Lordships in departing from that course, which in relation to private Bills they uniformly adopted. Those noble Lords had, indeed, maintained that the measure before the House would affect the rights of private property; but was not that, he would ask, the case with every measure of a private character which came under their Lordships' consideration? He should also beg their Lordships to bear in mind that the Committee of the other House of Parliament, to which this Bill had been referred, had deemed it to be their duty to sit for twenty-five days, in order thoroughly to investigate its details; that Mr. Hope Scott, and the learned Gentleman who had been opposed to him, had each occupied two days in commenting upon its provisions and in summing up the evidence, while their Lordships sought to dispose of the whole question in a desultory debate of two or three hours. Now, he was well aware that the noble Lord, who had moved the rejection of the Bill, was capable of speaking for two days if he chose; but then, he had confined his observations within a very much narrower limit; and he (the Marquess of Clanricarde) could not help thinking that a measure with respect to which the Committee had taken so long a time to deliberate, could not be satisfactorily dealt with in a few short speeches of that description. He must also maintain that the principle of compensation which it was said was involved in the Bill, was one which their Lordships were night after night in the habit of referring to the consideration of a Select Committee. The Bill, however, involved something more than the principle of compensation; it embraced the question of the conservancy of the river Mersey—a question of the utmost importance; one in which the commerce, not only of this country but of the whole world, was concerned. Would their Lordships then deem themselves justified in the summary rejection of a measure of that nature upon the ground that it interfered with private property without, at all events, taking the necessary steps to ascertain to what extent that property would be affected? The fact was that the members of the Corporation of Liverpool seemed to have got the notion into their heads that the trade of the Mersey should be carried on for the special benefit of that town; but he trusted their Lordships would, by assenting to the second reading of the Bill, and its subsequent reference to a select Committee, show that they were prepared to take a somewhat different view of the subject.

THE EARL OF DERBY said, that if the Bill had been one of an ordinary character he should concur with the noble Marquess who had just spoken in the opinion that it was desirable it should be referred to a Select Committee. He was prepared, however, to urge a departure from that course, because he maintained that their Lordships, and not a Select Committee, were the proper judges of the principle involved in a measure, and because, notwithstanding anything which the noble Marquess might urge to the contrary, the principle which was contained in the Bill under their Lordships' notice was one which he (the Earl of Derby) had never known to be embraced in any private, and hardly in any public enactment—he meant the principle of taking away private property without affording compensation. There was one point connected with the subject to which he could not help referring, and that was that the Government, deviating from the ordinary course, with regard to private Bills, had exercised their influence, more or less, to turn it into a party question. He felt bound to deprecate such a course, and to assure their Lordships that it had not at least been adopted by noble Lords on the side of the House on which he had the honour of sitting. The noble Marquess had referred to the magnitude of the interests involved in the Bill, but he would beg their Lordships to remember that those interests had acquired that magnitude under the management of that very body whom it was now sought to oust from their position. Why, the increase in the port of Liverpool had been perfectly marvellous. It was stated in the Report of the Committee that in 1710 the docks extended over five acres, in 1811 they had increased to 30 acres, and in 1856 to 208 acres; while the number of ships had in the last 100 years increased from 1,731 to 22,032. This was the interest which the Bill proposed to take out of the hands that had created it by their good management—the very fact of the property having been created by their good management being made the ground for taking it out of their management. If such a principle were adopted it would be fatal to all energy, public or private. Then, with regard to the purchase of the Birkenhead interest, did not the noble Marquess know that at the time that interest was purchased the whole concern at Birkenhead was in a state of irretrievable bankruptcy, caused by entering into competition with Liverpool, and that the sole object of the purchase was to save an enormous quantity of property which would otherwise have been absolutely thrown away? So much for the grasping views of Liverpool with regard to Birkenhead. The noble and learned Lord opposite had entered so fully into the legal claims which existed with regard to the town dues, that he would not dwell upon that subject further than to say that those claims were perfectly undisputed; they had been made the subject of family settlements and of mortgages which Parliament had sanctioned, and they had been judicially recognised in the courts of law; and yet the present Bill proposed to take away those rights, and that without compensation. It had been said that the corporation of Liverpool had dealt in an ungenerous way as regarded the matter of land, in order to increase their own corporate interest; but was that really the case? Why, the Committee which had inquired into the whole question had reported that they had incurred expense for docks, for the purchase of land, for the erection of the new Custom House, to an enormous amount, and had defrayed those expenses from their corporate revenue. It was proposed by the present Bill to take away an undisputed right from that Corporation of £100,000, or £150,000 a year, without giving them the slightest compensation; the Bill was, in point of fact, the thin end of the wedge which it was proposed to introduce to carry out the principle of the general measure which the Government had failed to carry. A Bill had been introduced last year by the right hon. Gentleman the Vice-President of the Board of Trade, the effect of which would have been to consficate the property of the various corporations of towns throughout England, without giving them any compensation; and perhaps their Lordships had not forgotten the extraordinary doctrines that had been laid down upon that occasion by the right hon. Gentleman—doctrines of such a character that even the political friends of the right hon. Gentleman shrank from defending them, and which approached almost to the Socialistic motto, "La proprieté c'est le vol." That Bill had been referred to a Select Committee, which had proceeded to inquire into the case of Liverpool alone; but ultimately the Government were compelled to withdraw it. In the meantime a private Bill was introduced by persons unconnected with Liverpool, affirming principles similar to those of the measure which was withdrawn in the House of Commons. To this Bill the Government lent their support in order to carry out the principle in a private Bill with regard to one city, and thus to put at their mercy all other corporations. This was not a matter which ought to be referred to a Select Committee of five members; it was a principle on which the House ought to decide, and the proper stage at which to take its decision was on the second reading of the Bill. The principle involved was the taking away of property from individuals or corporations by legislative enactment without giving them compensation. That was not the principle on which we acted in the case of international affairs. In respect to the Sound Dues, when the United States refused to pay them at all, we freed ourselves from this inconvenience to our commerce, by paying a fair and just compensation. And again on the question of pensions last year, we did not attempt to deprive those who received them of their income, although they rendered no service for it; we respected their rights, and gave them a full equivalent. The noble Marquess had asked upon what ground those who opposed this Bill had on the present occasion departed from the usual practice of the House. He would not enter into the details of the Bill, but if he did so, he could show the gross injustice and manifest impolicy of many of its provisions. There was no allegation of mismanagement, no charge of abuse, no proof of injury done—on the contrary, the greatest advantage had been derived from the existing state of things; yet without any ostensible complaint they were about to take away the property of a corporation for purposes which he certainly did not believe were of an exclusively public nature. This was a departure from the invariable practice of that House, and to the affirmation of the principle involved in the Bill, he could not with a safe conscience give his assent.

LORD STANLEY OF ALDERLEY, in vindicating the conduct of the Government in regard to this measure, denied that it had been brought forward for the purpose of introducing the small end of the wedge for the confiscation of the property of the Corporation; he also denied that it was true, as had been stated by the noble Earl, that the measure introduced last Session for regulating passing tolls and abolishing local dues upon shipping, was rejected upon principle on the second reading.

THE EARL OF DERBY had not said that the measure was rejected. What he said was, that there were such objections to it that the Government were compelled to withdraw it.

LORD STANLEY OF ALDERLEY.—The noble Earl had said that the principle was condemned. That was not so. The ground upon which it was referred to a Select Committee was that there were special circumstances connected with each harbour, in regard to which it was necessary that evidence should be heard. Such evidence was heard in regard to the port of Liverpool, and the result was that it was shown to be necessary that Parliament should legislate on the subject, and in the present Session this measure was introduced. It had two objects,—one to transfer the town dues of Liverpool from the Corporation to the dock trustees; and the other to vest the conservancy of the river, and the management of the docks on both its shores, in a single body, which should be elected by all those who contributed to the maintenance of the docks, and which should not be controlled and dominated over by the Corporation of Liverpool. That the Corporation of that place had dominated over the docks, and had on more than one occasion postponed the interests of the harbour to those of the town, it was not difficult to prove. How long was it before warehouses were erected within the limits of the docks, to which cargoes could be immediately transferred from the vessels, because the inhabitants and Corporation of Liverpool had warehouses without the docks, into which they wished to drive all the goods which came into the port? In 1824 there was a project for making a ship canal to connect Wallasey pool with the mouth of the Dee. The Corporation of Liverpool were alarmed at this scheme, and in order to defeat it they paid the promoters of it £180,000 for land which he believed had not cost them £10,000. There was some objection to this on the part of some shortsighted inhabitants of Liverpool, and Mr. Forster, the town clerk, said that the town council of Liverpool, as the protectors of the rights of the burgesses, could not expend their funds better than in preventing the establishment of a commercial rival on the other side of the water. This showed what sort of a parent Liverpool was likely to be to Birkenhead. This purchase put an end to the scheme until Mr. Rendell drew up his plan for making docks in Wallasey Pool. Liverpool applied to Parliament for powers to purchase the docks, and the Select Committee to which their Bill was referred, imposed upon the dock committee the obligation of refraining from spending money on the construction of the docks which they contemplated along the north shore until they had seen what Birkenhead could do to accommodate the increasing trade. Next year Liverpool brought forward a Bill for effecting this object, but of so inadequate a character, that the Select Committee threw it out after half-an-hour's examination of Mr. Rendell. This year, independent parties, seeing that there was no chance of Liverpool carrying out the scheme, came forward and applied for powers for the purpose. The arguments by which this Bill was opposed were exactly those which were brought forward when the Municipal Corporations Act was under discussion. Then it was said that Parliament had no right to deal with corporate property without compensation; but Parliament did so deal with the property of corporations on that occasion, with these town dues among the rest, and Parliament had an equal right so to deal with them now. Nothing more was done by the Bill than to transfer these dues to the purposes for which they were originally intended—the maintenance and improvement of the harbour. It had undergone very careful and laborious consideration before a Select Committee of the other House, lasting over twenty-five days, and he hoped their Lordships would not consent to the Motion for its rejection.

LORD REDESDALE was afraid that, if in a private Bill they dealt with property in the manner proposed without giving any compensation, they would be establishing a precedent which might hereafter most injuriously affect private property.

After a few observations from the DUKE OF NEWCASTLE in reply,

On Question, that ("now") stand part of the Motion? their Lordships *divided*:—Contents, 23; Not-Contents, 15: Majority, 8.

Resolved in the *Affirmative*: Bill read 2ª accordingly, and *committed*: the Committee to be proposed by the Lords Committee appointed for proposing Committees on opposed Bills.

CONTENTS.

Beaufort, D.
Newcastle, D.
Ailesbury, M.
Airlie, E.
Albemarle, E.
Granville, E.
Suffolk & Berkshire, E.
Torrington, V.
Boyle, L. *(E. Cork and Orrery.)*
Byron, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
De Mauley, L.
Foley, L. [*Teller.*]
Hatherton, L.
Mostyn, L.
Overstone, L.
Panmure, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Sundridge L. *(D. Argyll.)*
Wrottesley, L.

NOT-CONTENTS.

Salisbury, M.
Westminster, M.
Carnarvon, E.
Derby, E.
Hardwicke, E.
Lonsdale, E.
Powis, E.
Rosslyn, E.
Dungannon, V.
Colville of Culrosse, L.
Dinevor, L.
Ravensworth, L. [*Teller.*]
Sefton, L. (*E. Sefton.*)
Wensleydale, L.
Wynford, L. [*Teller.*]

ATLANTIC TELEGRAPH COMPANY BILL.

THIRD READING.

Bill read 3ª, with the Amendments.

LORD REDESDALE said that there was a clause in this Bill which he did not wish to sanction of his own accord. If the Government approved of this clause he presumed there would be an end of the matter. In all telegraph Bills for this country there was a provision giving Her Majesty's Government priority in the transmission of messages. Now, in the case at present before their lordships, both termini of the proposed telegraph would be within Her Majesty's dominions—namely, one end of the line would be in Her Majesty's kingdom of Ireland, and the other in Her Majesty's colony of Newfoundland; yet there was a clause in the Bill which gave the United States Government the same priority as that of Her Majesty's Government with regard to the transmission of messages. It was said that this equal right was owing to the fact that a joint guarantee had been given by the two Governments. He thought, however, it would have been far better policy on the part of Her Majesty's Government if they had either undertaken the whole guarantee themselves, and thus have obtained free and sole control over the connecting line of telegraph, or have invited our own colonies to participate in that guarantee, rather than have allowed a foreign Government to join in making it. At the same time, if the clause in question had the sanction of Her Majesty's Ministry, it was not his intention to object to it.

EARL GRANVILLE said, this telegraph was intended to connect two great countries, and, as the two Governments had gone hand in hand with regard to the guarantee, it seemed only reasonable that both should have the same rights as to transmitting messages.

Further Amendments made; Bill *passed*, and sent to the Commons.

House adjourned at half-past Nine o'clock 'till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 20, 1857.

MINUTES.] PUBLIC BILLS.—1° Representative Peers (Ireland); New Zealand Government Act Amendment; Boundaries of Burghs Extension (Scotland); Copyright Acts Consolidation; County Court Judges (Falconer's and Yates's Salaries.

2° Clerks of Petty Sessions (Ireland); Police (Scotland;) Canada and New Brunswick Boundaries; Chelsea New Bridge.

3° Reformatory Schools; Attornies and Solicitors (Colonial Courts).

SHEPHERD'S DISABILITIES REMOVAL BILL.

SECOND READING.

Order for Second Reading read.

MR. FITZROY said, he wished to call the attention of the House to this class of Bills, which came down from the House of Lords in the shape of an estate Bill, and therefore in the form of an unopposed Bill. The present Bill was in the form of a petition from a clergyman who was ordained in the Episcopal Protestant Church of the United States, and who was, therefore, excluded by the general law of the land, namely, by the 26 *Geo.* III., from holding any preferment in this country. Mr. Shepherd attended three terms as a theological student in the University of Durham, from whence he proceeded to Tennessee, where he was ordained a deacon, and afterwards a priest, and took the degree of M.A. His health became impaired in America, and he returned to this country, where he recovered his health. His object now was to get an Act of Parliament to remove the disqualification which prevented him from holding preferment in the Church of England, or carrying out the sacerdotal or priestly office. In 1840, an Act was passed which relaxed to some extent the restrictions imposed by the Act 26 *Geo.* III. He was not aware that any measure of this nature had been proposed previously to 1843. These attempts were now becoming of more frequent occurrence, and the present was the fifth case in which application had been made to Parliament for the removal of the disabilities imposed by the general law. He had not a word to say against Mr. Shepherd; but he wished to know from the House whether it was their pleasure that these private Bills were to be treated as unopposed estate Bills, or whether it would not be better, as there were such frequent examples of exceptional legislation, that the general law should be amended, so as to put the whole of this class of clergymen on the same footing as these private Acts placed particular individuals.

MR. FORSTER said, that most private Bills proceeded on the same principle as the present. Mr. Shepherd was educated in an English University, and he performed the duties of a clergyman in America with satisfaction and credit. It should be recollected that holy orders were indelible, and that every other avenue to employment was closed to the clergyman. Each case ought to be tried on its own merits.

MR. SOTHERON-ESTCOURT said, that the House was indebted to his right hon. Friend for bringing this question before it; but he begged leave, though with great diffidence, to differ from the view taken by his right hon. Friend. He would assume that the case of Mr. Shepherd, of whom he knew nothing, stood upon the same grounds as the other cases to which his right hon. Friend had referred. The Act 26 *Geo.* III. was passed soon after the independence of the United States was proclaimed, and its object was to take precaution that individuals who claimed to exercise spiritual functions in this country, were loyal and properly educated, and ordained. He himself brought the first case of the kind before the House in 1843, and though the Bill was originally met by a terrible array of opposition, he had at last succeeded in convincing them that the principle was sound and that it ought to be agreed to. As the question which had been submitted to the House by the right hon. Chairman of Ways and Means was, whether they would in future deal with these as exceptional cases, or whether they would pass a general Act to embrace all, he must say, that in his opinion the 26 *Geo.* III. was a very good Act, and that he should object to repeal it, but as the cases which were brought before the House for special legislation were cases of great individual hardship, he considered that they ought to be treated as individual cases, and each one should be dealt with on its own merits. He should, therefore, vote in favour of the present Bill, and oppose any measure for interfering with the general law on the subject.

MR. KINNAIRD said, that he concurred in the principle that when they had adopted a general Act of Parliament they ought not to be continually called upon to sanction private Acts, the effect of which was to supersede the public measure. He was happy to bear testimony to the merits of Mr. Shepherd, but on public grounds he must oppose the present Bill. With respect to the last case, he did not suppose that a single Member in that House understood what it was. The Bill passed through the House as a private Bill, though it practically repealed two Acts of Parliament. He therefore thought that there ought to be some general legislation on the subject, and he for one would be glad to open the doors of the Church as wide as possible; for why should all the colonial clergy be excluded from the advantage which the present applicant desired to obtain?

Colonel WILSON PATTEN conceived that it would be rather hard to upset in the present instance a practice which had prevailed in other instances. It was objected that this was exceptional legislation, but hon. Members would find on the paper of business for that day two divorce Bills, which also constituted exceptional legislation, as far as the law of the land was concerned. If it were right to have general legislation on the subject, that consideration ought not now to prevail against the claim of an individual who was only asking for what had been granted in other cases.

Mr. GLADSTONE observed, that he was inclined to take the same view as the hon. and gallant Gentleman who had just spoken with respect to this particular case. He did not think they could now turn back in the case of this individual and refuse to do for him what they did for others. In fact, the Bill rested upon a series of precedents, and the House had, at least upon one occasion, come to an unanimous decision upon the subject. That unanimous decision protected individual cases until some new general Resolution was come to on the question. With regard to the general law, he entirely agreed with what had fallen from his hon. Friend the Member for Perth (Mr. Kinnaird). By the existing law an episcopally-ordained clergyman in the United States or Scotland was under a ban and stigma which did not affect any other class. A Wesleyan, a Jumper, a Shaker, or a Mormon, might come over here, and if he conformed to the law and was regularly ordained he might officiate and hold preferment in England; [Mr. Sotheron-Escourt: No, not Mormons.] Yes, they could, if they repented of their Mormonism, while an episcopally-

Mr. Kinnaird

ordained clergyman of the United States or of the Episcopal Church of Scotland was barred from holding any preferment in this country. There was a case, known to many hon. Members of that House, of an episcopally-ordained clergyman of the United States who came over to this country, where he became a Roman Catholic, and he believed a Roman Catholic clergyman. He again saw fit to come back to the Protestant religion, but he could not hold any preferment or officiate here in consequence of the law. He was not excluded because he was a Roman Catholic, for Roman Catholic orders were held to be valid by the Church of England, but he was excluded because he was an ordained clergyman of the Episcopal Protestant Church of America. This surely was an anomaly which ought to be amended.

Sir GEORGE GREY said, he agreed with his right hon. Friend as to the anomaly in the existing state of the law on this subject. No doubt the object of the Act 26 *Geo.* III. was to prevent irregular ordinations, and the inconvenient consequences which might affect the Established Church. He thought that as there were precedents and no notice that the Bill would be opposed, it would be a great hardship on Mr. Shepherd if the Bill were rejected; at the same time, if Parliament thought fit to retain the existing law, these privileges to individuals ought not to be continued.

Mr. ROEBUCK said, that the effect of the existing law was not to prevent irregular ordinations from acting as a disqualification here. He hoped the right hon. Gentleman the Member for Oxford University, who was opposed to exceptional legislation in this matter, would support the Divorce Bill on the same ground, for the present divorce Bills which were passed by the House were nothing but exceptional cases of legislation.

Bill read 2° and *committed.*

FALKIRK ELECTION—REPORT.

House informed, that the Committee had determined,—

"That James Merry, Esq., is not duly elected a Commissioner to serve in this present Parliament for the Falkirk District of Burghs: That the last Election for the said Burghs is a void Election. And the said determinations were ordered to be entered in the Journals of the House."

THE MUTINY IN INDIA—QUESTION.

Mr. ROEBUCK said, he wished to put a question to the right hon. Gentleman the President of the Board of Control, namely, whether he was aware that an announcement had been made in one of the public journals that a telegraphic despatch had come from Bombay stating that the army of Bombay had broken out into mutiny? He (Mr. Roebuck) therefore wished to know if Her Majesty's Government had received any information tending to support or contradict that announcement.

Mr. VERNON SMITH said in reply, that neither Her Majesty's Government nor the Court of Directors of the East India Company had received any information on that subject. Perhaps in the present state of the public mind it might be considered desirable that he should state the way in which intelligence was brought from India. There were two mails from India in the course of each month, and on their arrival at Suez, communication was made with Trieste, and thence a short account was sent to this country by telegraph, the mails themselves following in due course. There was no other mode of communication that he was aware of, and therefore he was at a loss to conceive how such information as that to which the hon. and learned Gentleman had alluded could have reached this country from India. He (Mr. Vernon Smith) would be the last man to attempt to interfere with the arrangements by which intelligence was transmitted to the public press; but he did hope that in the present excited state of public feeling in reference to the calamitous events which had occurred in India, the editors of respectable public newspapers would abstain from publishing rumours calculated to prejudice the minds of the people of this country, unless they were assured in every instance of their perfect accuracy. He would only further add, that at present he could not believe in the rumour to which the hon. and learned Gentleman had referred, and that opinion was strengthened by the impressions he had received from the last accounts that had come into the hands of the Government. He had no reason whatever to believe from them that the slightest disaffection existed either in the Bombay or Madras army.

GREAT YARMOUTH HAVEN QUESTION.

Mr. WATKIN said, he would beg to inquire of the Secretary of the Treasury if the attention of Government has been directed to the importance and facility of making Great Yarmouth Haven a Harbour of Refuge; and whether he is prepared to order evidence to be taken and a Report to be made on the subject, and to lay such Report before the Committee on Harbours of Refuge?

Mr. WILSON said, that no doubt the evidence taken before the Commissioners upon the point alluded to by the hon. Member for Great Yarmouth, would be duly considered, but he was not aware that any peculiar circumstances existed which would render it necessary to take the question of Great Yarmouth Haven especially into consideration.

CRIMINAL LUNATIC ASYLUMS.

QUESTION.

Mr. J. C. EWART said, he wished to inquire of the Secretary of State for the Home Department whether it is the intention of the Government to establish Asylums to be exclusively devoted to the confinement of criminal lunatics.

Sir GEORGE GREY said, that the Government had such an intention, and negotiations were in progress for the purchase of the necessary sites.

CAVALRY FOR INDIA.—QUESTION,

Captain VIVIAN said, he would beg to ask the Under Secretary for War whether it is true that the order to send additional cavalry from this country, on account of the news which was brought by the last mail from India has been rescinded or suspended?

Sir JOHN RAMSDEN said, two regiments of cavalry had been under orders for India for some time, and recently an order had been given for sending out a third regiment, but that order had been suspended.

SAVINGS BANKS BILL.—QUESTION.

Mr. BAXTER said, he would beg to ask the Chancellor of the Exchequer if, considering the advanced period of the Session and the fact of there being thirty Amendments to the Savings Bank Bill on the Notice Paper, he will consent to withdraw that measure, and refer the whole subject next year to a Select Committee.

The CHANCELLOR of the EXCHEQUER in reply said, that looking at the present prospects in regard to public business, there being many questions of importance still to be brought before the House, he did not think there was any likelihood of obtaining time for the consideration of the Bill referred to. At a later period of the evening the right hon. Gentleman moved that the Order for the further proceeding in respect to the measure should be discharged, which was agreed to.

ALTERATION OF THE LITURGY.
QUESTION.

MR. WALPOLE said, that seeing the noble Lord the Member for Middlesex in his place, he wished to put a question to him relative to the public business. He (Mr. Walpole) saw that to-morrow week there was an important notice given by the noble Lord for an Address for a Commission for the purpose of considering whether the Liturgy of the Church of England was not capable of such modification in its arrangements and services, as to render it more profitable than it now was for the religious instruction and edification of the people. He wished to know whether the noble Lord proposed to bring forward that Motion?

LORD ROBERT GROSVENOR said he must admit that the 28th of July was a very late period on which to bring forward a Motion so important for the discussion and consideration of the House. He had, indeed, been very desirous of withdrawing it, but he found there was such an extraordinary misconception as to the scope of the Motion and the intentions both of himself and those for whom he acted, that it would be necessary for him to trouble the House with a statement on the day mentioned; but if, after making the Motion, there should be any objection to it, he would not ask the House to divide, but would, in that case, ask leave to reintroduce it at a more convenient season.

THE NEW RUSSIAN TARIFF.—QUESTION.

MR. NEWDEGATE said he wished to put a question to the right hon. Gentleman the President of the Board of Trade upon the subject of foreign tariffs. He believed that the Government of Russia had agreed to a new tariff which had been published for the information of its commercial subjects. Great changes, he understood, had been made in the old tariff—changes which affected many persons in the Russian trade in this country. He had on a former occasion given notice of his intention to move for it, but was informed that it would be useless for him to do so, as it had not then been officially made known. He wished now to know whether instructions had been sent to our ambassador, (Lord Wodehouse,) urging him not to delay sending the information, inasmuch as considerable anxiety existed in this country with respect to it.

VISCOUNT PALMERSTON replied that he had received a dispatch a short time since on the subject, in which it was stated that the authorised French edition of the tariff had not yet been published. As soon as it was, it would be sent to the Foreign Office. The original was of course in Russian, and it was necessary that a translation should be published by authority before it was available. When the French copy was received, it would immediately be laid on the table.

MR. FITZROY having brought up the Report of the Resolutions in Committee of Supply,

Upon the first Resolution with regard to the expenses of the Persian war.

NATIONAL DEFENCES.

MR. BENTINCK, in rising to call the attention of the House to the state of the Naval and Military Defences of the Country, said:—Sir, considering the national importance of the subject involved in the present question, I think that I may fairly ask the indulgence of the House while I detain them a few moments. It will be in the recollection of the House that when I attempted upon a former occasion to call the attention of the House to the state of the military defences of the country, I then stated that I was anxious to do so in consequence of a certain statement made and certain opinions expressed both by the noble Lord at the head of the Government and by the right hon. Baronet at the head of the Admiralty. But, Sir, I was unable to elicit any reply, or rather the reply I received was so unsatisfactory, that I have been again induced to call the attention of the House to the subject, and I trust I shall be able to elicit a clearer and more satisfactory statement. Upon the occasion to which I more particularly refer, I understood from the noble Lord at the head of the Ministry that in the present state of public affairs he saw no reason whatever for embodying the militia this year; and I understood the right hon. Baronet, the First Lord of the Admiralty, to say that he had not at present any steam fleet in that state of preparation that it could be employed for the conveyance of troops to the East. That was the most important part of the statement of the right hon. Baronet. It appears to me that the combined results of these two statements amount to this: that, taking into consideration the drain upon our military resources which has been caused by recent events in India, this country is about to be left almost entirely denuded of all its defences, both by sea and by land. I certainly think that we ought to have some explanation from Her Majesty's Government on that subject. The right hon. Baronet, when he told us that we had no steam line-of-battle ships to convey troops, told us that which was tantamount to saying that none of the new improved steam line-of-battle ships were in a fit state to be used if an emergency occurred with respect to our national defences; for, in fact, our steam ships, which are not in a sufficiently advanced state to be employed at a few days' notice in carrying troops to the East, could not be brought to bear for our national defences. Indeed, with one or two exceptions, I think I can show the House they are in an extremely indifferent condition, and the result is, we are left destitute of that great and most important arm of the service. The noble Lord at the head of Her Majesty's Government told us, that up to the present time the state of public affairs was such that there was no necessity for calling out the militia. But he did not tell us at the same time what his resources were, or what means he intended to adopt in order to supply the deficiencies in the military force caused by sending such a large number of troops to India. That subject he passed entirely over, and therefore, as respects the military branch of the service, we have the authority of the noble Lord for saying that the country will be left defenceless. I need not say anything with reference to the recent outbreak in India, but it is perfectly obvious that many causes might arise which would result in our finding ourselves engaged in hostilities with the most powerful kingdom in Europe; and, therefore, I think it is the bounden duty of the Government to explain to the House and the country what steps it has taken, or intends to take. The noble Lord told us with his usual frankness that there is no probability of an outbreak in Europe; and although I admit that no one is better qualified to give an opinion on foreign affairs, yet the noble Lord is not omniscient, nor omnipotent, and he could not tell what result an unfortunate death might not lead to. It was impossible that he or any one could say what might occur in the next few weeks. No opinion on the probability or improbability of an outbreak in Europe was worth anything, because it could be only a speculation, upon which they would not be justified in acting. Within a few weeks we might be engaged in hostilities with one or two of the most powerful States of Europe, and there ought to be means at our command to insure the safety of the country in the event of the occurrence of such a contingency. The noble Lord seemed to hold doctrines more becoming the Peace-at-any-price party. He said, with reference to the militia, that "We must cut our coat according to our cloth."

Mr. SPEAKER said that he was obliged to interpose, and remind the hon. Member that these constant references to previous debates were contrary to Parliamentary rules.

Mr. BENTINCK, without presuming to dispute the right hon. Gentleman's ruling, would submit that if, on an occasion like this, when he felt it his duty to call their attention to the opinions of the noble Lord, he were not permitted to advert to those opinions, as expressed on former occasions, the rigid enforcement of the rule would put an end to all freedom of debate. He understood the noble Lord, on a former occasion, to say that the expenditure of the country must be calculated by its income; but that appeared to him to be an unsafe principle to be laid down by a Minister. He could not imagine a more dangerous doctrine, and he must say that it was one which he heard with the greatest surprise from the noble Lord, who, he always thought, was disposed to take a more liberal view of public affairs. It was calculated to raise strong doubts as to whether the noble Lord had taken proper means for maintaining our defences by sea and land. His object in bringing forward this question was not so much a desire to explain his own views as to call forth an expression of opinion on the part of those who were better qualified to give one, and to induce Government to give full explanations of their intentions on this important subject. He trusted, therefore, that Government would fully explain their views as to the mode they intended to adopt for supplying the deficiencies in the naval and military defences of the country, caused by the drain now going on in the prosecution of the Chinese war, and for the purpose of suppressing the rebellion in India.

Lord ADOLHPUS VANE-TEMPEST said, that in deference to the feelings of the House the other evening, he did not persist in his Motion for postponing the Vote for an increase of seamen in our navy. He submitted, however, that in the present critical condition of India, and with hostilities going on in China, the noble Lord at the head of the Government ought to have made a statement to the House with respect to the exigencies of the country, and explained how he proposed to meet them. In lieu of that, when on Friday evening the vote for 2,000 additional seamen was handed to the Chairman in Committee of Supply not a single remark was made by the First Lord of the Admiralty or any other member of the Government, and had he not ventured himself to address a few observations to the House the Vote would have been agreed to in solemn silence. We could not disguise from ourselves the fact that a large military force would be required to suppress the revolt in India, and therefore it was somewhat extraordinary that the only Vote which the Government had proposed for an increase of our armaments was one for an addition of 2,000 seamen to the Navy. It had been stated by the public journals—not by any member of the Government—that 25,000 soldiers were about to proceed to India. He wished to know what measures the Government intended to take in order to fill up the void created at home, and at the same time keep up that large force in a state of efficiency. Nothing could be more dangerous than to denude this country of the whole of its military defences, and yet, while the Government had maintained a studious silence on the subject of any increase to our regular army, the Prime Minister had positively declared that, in his opinion, the calling out of the militia was unnecessary. He wished to warn the noble Lord at the head of the Government that if he looked forward to recruiting the army with the facility which his sanguine temperament led him to suppose, he would be mistaken, as he had reason to know, from personal intercourse with men who had served during the late war, that there was no great desire generally entertained to re-enter the service. The people had not forgotten the excessive favour shown to the soldiers of the Foreign Legion, and the rewards bestowed upon the members of the various civil corps, and they would not be found so ready to enlist into the army as some persons seemed to expect. Moreover, it ought to be remembered that at the close of the last war our army was 50,000 men under the Estimates voted by Parliament—a fact which showed how necessary it was to take immediate measures for replacing the large force about to be sent to India. With respect to the conveyance of troops, he might state that a portion of our Crimean army was brought home in Her Majesty's screw line-of-battle ships, although the First Lord of the Admiralty had previously declared that no vessels belonging to the navy would be used for that purpose, and he was convinced that the employment of screw steamers in conveying troops to India or China at the present time would be productive of both efficiency and economy. He did not look with alarm at the state of India, but he confessed that he saw no intention on the part of the Government to guard against danger that might arise nearer home. He should be wanting in his duty if he did not join in calling the attention of the Government to these points. With regard to the use of screw line-of-battle ships for the conveyance of troops, he might remind the House that when he returned from the Crimea he put a question to the First Lord of the Admiralty in reference to employing those ships in bringing home the army, and asked whether the admirals in the Black Sea and Mediterranean had not recommended their employment. The answer given was that there was no such intention, and that no such official recommendation had been received. Two months after, the Government ordered the ships to be employed to bring home the army; and if they considered the risk the men had been exposed to for that time they must regret it had not been done sooner. If they looked to the Estimates, they would find the advantages on the score of economy in the course which had been adopted during the war both by France and Sardinia. In conclusion, the questions which he begged to ask the noble Lord (Viscount Palmerston) were, what was the full amount of the force to be sent to India, by what means the Government intended to transmit them, whether by sailing vessels or steamers, or, in fact, by Her Majesty's vessels at all? He wished, also, to know whether the Government had considered any measure with reference to the recruiting of the army, and, if so, to what extent; and, finally, whether the noble Lord was prepared to reconsider his answer with respect to the calling out of the militia?

Mr. W. WILLIAMS said, he was well acquainted with the tendency of some hon. Gentlemen to increase the expenditure for the purpose of keeping up a large standing army; but he would oppose to their opinion the high authority of the Duke of Wellington, who declared that 80,000 men were quite sufficient for all the purposes of the country, including 25,000 stationed in India. The number actually voted this year was 126,000, leaving 46,000 available for India over what the Duke of Wellington had considered necessary. Her Majesty's Government were much better judges of what was required for the purposes of the country than the noble Lord opposite, and he always found them ready enough to make demands, but he had no doubt that if they came down and declared an increase of the army necessary for the defence of India, the House would vote the increase unanimously. It was to be presumed that there was no such necessity.

Colonel KNOX said, he was surprised that the hon. Member should talk so superficially upon the subject. From the numbers of the army voted the 30,000 men sent to India or China must be deducted. The hon. Member allowed civil service votes to pass without objection, but had a hobby of his own—that was, the decrease of the army. The men sent to China and India must be replaced, or the army would not be adequate to its duties. The noble Lord stated the other night that when the proper time arrived he should not fail to increase the army, but he (Colonel Knox) would remind the noble Lord that during the late war the country had to pay exorbitantly for men, and was obliged even to have recourse to a foreign legion. If Government did not at once begin to fill the vacancies constantly occurring, they would find considerable difficulty in so doing at a later period; and he could assure the House that this was a subject which occupied the serious attention of experienced and military men.

Viscount PALMERSTON:—Sir, it is, I think, not usual for men who have at any time been anxious for the attainment of a certain object to become less eager for it, when they are placed in a position which makes them personally responsible for its attainment. Now, at a moment when the question of adequate national defences was not quite so popular as it is now, I was one of those who, out of office, as before that time when I was in office, urged upon Parliament the necessity of making more ample provision for the defences of the country. I retain that opinion now, and, being a member of the Government and more responsible for providing adequate defences, I hope hon. Gentlemen will give us credit for not being neglectful in accomplishing an object which all must admit to be of paramount importance. Now, the hon. Gentleman who spoke last seemed disposed to taunt us with evincing an inclination to too much economy in our arrangements. I have always felt and urged that Parliament ought to provide ample funds for whatever may be necessary in the way of the military or naval defences of the kingdom. I can only say that the experience of the past leads me confidently to rely upon the fact that Parliament never is backward in answering the calls of the Government, whatever that Government may be, whenever it is felt that increased exertions are necessary to enable the Government to provide adequate means for the national defences. But, Sir, it is one thing to call on Parliament in a great emergency to increase the burdens of the country, with a view to protect the country from danger; it is another thing, in ordinary times, to call on Parliament to go beyond that amount which the Government, acting upon its own responsibility, has deemed to be sufficient for defence, although perhaps they might have an opinion that the amount was not quite so large as they would have desired had there been more ample means at their disposal. At the beginning of this year Her Majesty's Government laid before Parliament a statement of the amount of military and naval force with which we agreed to be responsible for carrying on the service of the country, both with regard to the defence of the realm and those other exigencies to meet which we in time of peace are likely to be called upon. Therefore, as far as the defences of the country are concerned, looking at the state of Europe, I see no reason why we should call upon Parliament to give us a greater number of men than we asked for originally. The hon. Gentleman who commenced this discussion thinks we do not look with sufficient foresight to events which might happen to disturb the tranquillity of Europe and involve this country in the necessity of making greater exertions. I can only say I see no prospect at present—no question impending which is likely to involve us in any struggle in Europe. I trust the hand of Providence will protect us from any of those events which may unexpectedly produce a state of convulsion. But if such an emergency should arise, Parliament is sitting, to whom we could at once apply; and if Parliament were not sitting, we have the power of calling it together and asking its advice and assistance. Upon these grounds I feel there is no immediate cause for us to apply to Parliament for a greater amount of force for the service of the United Kingdom than that which we asked for at the beginning of this year. But it is quite true that events unexpectedly arising in India have compelled us to send from this country a portion of that force which had been intended to remain here for the purposes of national defence or for furnishing reliefs upon those stations where they might be needed. We, however, took steps to fill up the gap that would be created. We at once ordered the most active recruiting to take place. The only immediate way in which a drain of this kind can be met is by enlisting fresh recruits to augment the establishment of regiments remaining at home and in other places, or for the purpose, if it becomes necessary, of raising second battalions with a view of increasing the number of corps for relief abroad; but that operation will go on without any assistance from Parliament up to the amount which Parliament has already sanctioned for the military establishment of the country. Parliament has voted a certain number of men and given us the means of paying them, and although the position of affairs in India has rendered it necessary that a portion of that number should be sent out to that country, we are still at liberty to fill up by recruitments the gap thus created, and to restore the establishment to the same amount at which it stood before these events occurred. I entertain very sanguine hopes that at an early period that gap will be filled up by the ordinary process of recruiting. If not, it will become the duty of the Government to see what other steps may be required. One of the methods which has been suggested, and which has been much pressed upon us by hon. Members on the other side of the House, is that we should have recourse to the militia. I think hon. Gentlemen do not accurately picture to themselves a distinct idea of what it is they recommend. If they recommend that the militia should be called out for training and exercise for the limited period of twenty-eight or fifty-six days, to which in time of peace they are confined, is that intended as a means of inducing the men of those regiments to volunteer for the line? I dare say, if we were to call out a large body of the militia for training and exercise, many of them would volunteer into the line; but it would be a most expensive mode of raising men, because, in order to recruit 100 or 200 men, you would have to pay the full establishment of the militia regiment for twenty-eight or fifty-six days. Thus, the two-thirds or three-fourths of the regiment who would not volunteer must be paid in order to induce the remaining one-fourth or one-third to join the line. I apprehend that will strike every hon. Gentleman as being a most expensive mode of adding to the strength of the army. Other hon. Gentlemen say we ought to embody the militia as a permanent part of the home garrison; but if they looked at the Act of Parliament they would see that we have no power to do so. The law gives the Crown the power of embodying the militia in case of war with some foreign power, or in case of insurrection or danger at home. We are not at war. I see no likelihood of our being engaged in a European war, and certainly there never was a moment when the country was less likely to see an insurrection at home. It is possible, no doubt, that events may have happened in India, of which we may receive information before Parliament rises, which will necessitate so large a detachment of forces from this country that the ordinary process of recruiting will not be likely to fill up the gap; and I admit that, without any apprehension of particular danger at home, or anticipating any unfavourable change of political circumstances in Europe, it would not be right and fitting to leave this country, I will not say entirely destitute, but with any diminution for any length of time of the force that is necessary for its home defence. It might, therefore, in such a case be proper to ask Parliament to give the Crown for a limited period powers to embody a portion of the militia, though not in a state of war. I merely mention that as one of the possible events that might make a recourse to Parliament necessary, though I hope no such necessity will arise. The noble Lord (Lord A. V. Tempest) opposite has asked me to tell him the number of troops going to India—a question which I beg to say I have already answered. The force sent out, or being sent out, is, in round numbers, 20,000, consisting partly of recruits for the European corps in the service of the Company—recruits however they can be hardly called, seeing they have been a long time under training—partly of infantry of the line, partly of cavalry, and also of artillery, all of which latter belong to the Queen's service. There are about 1,000 artillery, consisting of six companies of foot, and two troops of horse artillery; there are three regiments of cavalry going, and the rest will be infantry of the line. We have sent out what we think to be sufficient to meet the emergency, judging from the last communications we had from India, and the amount of force sent rather exceeds that which the Governor General in his last communication thought it was essential he should have. If, unfortunately, further accounts should necessitate our sending larger reinforcements, we shall then consider what steps we ought to take, and whether it may not be necessary to have recourse to Parliament for further powers.

Lord ADOLPHUS VANE-TEMPEST said, the noble Lord had by no means answered the question—(Order).

Mr. LINDSAY said, hon. Members seemed to think that there was a dread of invasion, from France or elsewhere. But in case of invasion there would be no difficulty in equipping in a couple of months an enormous naval force from the mercantile marine. The real question, however, which the House had to consider, was, what was the best mode of sending our troops to India. He was one of those who were of opinion that troops could not be conveyed in screw line-of-battle ships, except at a far greater expense than in merchant vessels. A merchant in tendering for this service made allowance for the home freight which his ship would earn, but a man-of-war would get nothing of the kind. Another question was, as to the employment of steamers or sailing vessels. From inquiries which he had made, he found that in the month of January last, twenty-three sailing ships had arrived at Calcutta, after an average passage of 132½ days; in the same month two steamers had arrived whose passages averaged only ninety-four days, including ten days' stoppages at various ports, showing an advantage of thirty-eight days in favour of the steamers. But throwing aside stoppages, there would be a saving of forty-five days by sending troops to India in screw-steamers. This, he thought, was a matter of grave consideration at the present moment. The passage homewards from India showed nearly the same results, and the returns he had went to prove that in the passage out and home by screw-steamers there would be a saving of about one-third in point of time. The Government ought also to consider that the sailing ships now leaving this country would arrive in the Bay of Bengal in October, when the north-east monsoon was blowing, and would be detained for a considerable time.

Sir CHARLES NAPIER said, he was of opinion that, if the home squadron had been, as it ought to have been, maintained, the whole of the force mentioned by the noble Lord might have been, within a space of forty-eight hours after the receipt of the news from India, placed on board of the vessels composing it, and be now as far on the way out as the Cape of Good Hope. That was the course which he should have adopted, but as matters stood he considered it impossible to send the troops to India by line-of-battle ships, as they could not be fitted out in less than three-months from the day the order was given. Great difficulty too, would be found in raising men, and he therefore thought the Admiralty were right in going into the market to hire vessels. He did not care what the cost was, but he thought the Government ought to send out screw ships, and, in order to save their coals, they should take care to have them towed out to catch the trade winds; they would then be able to start with a full supply of coals, and make the voyage without putting in anywhere. With respect to the defences of the country he had always been of opinion, and he believed that the Government themselves were of the same opinion, if they would only speak out, that this country never ought to be left without a Channel squadron for an emergency. It was no use for the Government of England to rely upon sailing ships when other nations had steam, and, instead of paying off our steam vessels, he contended that we should have paid off our sailing vessels, and have maintained our screw ships. Our station blockships, as they were called, were not blockships in reality, but were only bad steamers, fitted out on an emergency, and had not sufficient power to enable them to keep off the coast in bad weather. Instead of such inefficient craft, we ought to have first-rate screw ships at every outport, and as the coast-guard were now a well-organized corps, they would have been competent to man the ships, if the ships only had been ready for their reception. He trusted that the Government would recall from the outports those bad and useless vessels, and that they would substitute for them the best steamers at their disposal. It was well known that ships in commission with their full crews aboard did not wear out as fast as ships that were laid up in ordinary; nevertheless it had been the custom of this country to have the best ships laid up in ordinary, while the worst ships were in commission. In conclusion, he again pressed upon the Government the absolute necessity of embarking the troops for India in screw ships.

Lord CLAUD HAMILTON said, that before agreeing to the reception of the Report, he wished to ask this plain and practical question—what was the advantage gained by this country by the expenditure of the money in the Persian war which they were now asked to sanction? £500,000 was not the whole vote which they would be called upon to provide—it was only an instalment of a larger sum which already amounted to £930,000; and, as it was one of the most important duties of the House of Commons to see that the public funds were not wasted, he could not conscientiously consent to this Vote until he had heard some explanation with respect to the value received from the outlay. He was not going to discuss the policy of the Persian war; but he wished to know what was the difference between the terms agreed to at Paris, and those which were offered and were within our grasp at Constantinople. As far as he understood the papers which had been submitted, he gathered that the terms which we had accepted at Paris were not nearly so advantageous as those which had been offered at Constantinople. At Constantinople we demanded compensation for certain inhabitants at Herat, and we peremptorily demanded the dismissal of the Prime Minister. Both those points were conceded at Constantinople, but they were not insisted upon at Paris; while by the 12th article of the Paris treaty, England gave up a right which at Constantinople she was not asked to concede—the right of protectorate over certain persons in Persia. That being so, he asked how the House could be justified in sanctioning the expenditure of this £500,000. The only plea on which it could be justified was, that Ferukh Khan, the Persian ambassador at Constantinople, had not full powers. In the event of such a statement being put forward, however, he begged to remind the House that Lord Stratford de Redcliffe, writing to the Earl of Clarendon on the 2nd of January, said that—

> "Were his Excellency to accept the whole of our terms, he would engage that upon those being immediately complied with, no further demand should be made."

Thus showing that, in the opinion of Lord Stratford, Ferukh Khan possessed full powers. Moreover, he, (Lord C. Hamilton) found that on three separate occasions Ferukh Khan himself stated that he was armed with full power. This was a commercial country, and he begged to repeat in plain terms the question which he had already asked—what had this country gained by the expenditure which Parliament was now called upon to sanction?

Sir CHARLES WOOD said, he thought that it would be very inexpedient at the present moment to resucitate the past or anticipate any future debate upon the Persian war. However, the question which the noble Lord had asked would be easily answered. What we had gained by the war was the exaction of a promise from Persia that she would perform the solemn engagement which she had broken—not again to occupy Herat, an engagement the performance of which all persons who were acquainted with the interests of India considered to be indispensable for the safety of our empire in the East. Quitting that subject, then, and referring to the questions which had been raised with respect to the transport of the troops to India and the defences of the country, he must say that he adhered to the opinion which he had before expressed, that it was undesirable to employ Queen's ships in conveying troops, but that it was far better to engage transports for that purpose and employ Queen's ships in providing naval assistance in the war. The hon. and gallant Admiral and the hon. Member for Tynemouth (Mr. Lindsay) had adverted to the question of sending troops in sailing or steam ships, and it had been said that the average length of the voyage to India, as taken by sailing vessels was 132 days, and that screw ships took only ninety-seven. But the whole question was one of date. If the sailing vessel could avoid the monsoon, then, as he had stated so lately as Friday last, the average time taken in the passage to Calcutta by the fastest sailing ships, starting at this period of the year, was from ninety to 100 days. Now, he had a return of the times occupied by auxiliary crews in that passage. They were bound by contract to deliver the mails in Calcutta in seventy-four days; but the first performed it in 107 days; the second, the *Tynemouth*, in 121; the third, the *Robert Lowe*, in 100 days; and the fourth, in ninety days. He had stated the other night that some clipper ships had been taken up for the conveyance of troops, and the owners were willing to be bound to pay heavy penalties if they did not beat the screw ships starting at the same time. Therefore, the certain advantage of employing screw ships was not so great as had been represented. He must remind the House, too, of the exceeding difficulty of finding coal for so large a number of vessels. The Government had stores at the Cape, but they had been largely drawn on by the steam vessels proceeding to China. Large additional stores had been sent out; but, taking into consideration the two circumstances, that starting at this time sailing vessels were as quick as steam vessels, and that there was a possibility of the supply of coal falling short, he thought the East India Company had done well in determining in reference to expedition to send a portion of the troops in sailing vessels. With respect to the question of defence, it was quite true that he admitted the other night that there were not at present in commission sufficient line-of-battle ships fit to carry troops to India, but he was far from wishing to convey the impression that there were not sufficient in commission for the defence of the coast. He agreed with the hon. Member for Tynemouth (Mr. Lindsay) that it was not likely the people of this country would awaken some morning and find their country invaded, or a Russian or French fleet bearing down upon their shores. War did not break out in that way, for before any such step took place there would be diplomatic notes to be exchanged, friendly relations to be broken off, and the other formalities which civilized countries invariably observed on such occasions; and if the country was always to be prepared to meet the utmost amount of force that might be brought against it, where would be the possibility of attaining—what it was the aspiration of the country to accomplish—a peace establishment and peace estimates? It was perfectly impossible and absurd to suppose that in the midst of profound peace the country should be as ready to meet an attack as it would be in a time of war. In estimating the amount of preparation necessary to be made, common sense and the ordinary run of affairs must be taken into account. A man might be knocked down in the streets of London, but every person would not on that account walk the streets with a revolver in his pocket. They trusted, and with wisdom, to their experience, which taught them the improbability of such an occurrence. What were the circustances of the country at the present moment? It had lately emerged from a great continental war, and he had a suspicion that the great Powers were unwilling to involve themselves in war again. There was as little danger of war between this country and any European Power as there had been at any time during the last forty years; yet the country was in a far better state of preparation than at any period during the last forty years. Though there were not sufficient ships in commission fit to carry troops to India, still there were a considerable number of the finest screw ships in a state of forwardness, with a view to being commissioned if needed; there were sailing ships in different ports, and there were, moreover, in commission, eight steam line-of-battle ships called block ships, which the country never had before. These last might not be fit to cruise in the Atlantic, although two of them had been across, but they had done good service in the Baltic, and were efficient and formidable vessels for home defence. The hon. and gallant Admiral said that vessels kept better in commission than in ordinary. That was an entire mistake. When he was Secretary to the Admiralty in 1836 it was thought necessary to increase the number of vessels in commission. There were then a number of vessels called "advanced ships," being vessels in some state of preparation, and on examination it was found that the tanks of the ships had gone to decay and that the rigging was rotten. The Government, then, instead of having to commence with empty vessels and getting for them whatever was necessary, had first of all to get the decayed things out and then to start *de novo*. Those ships were in some degree filled up, and decay was the consequence, for it was the free circulation of air that preserved the ships. Therefore, if the Government kept the ships in the way proposed by the hon. and gallant Admiral they would only be wasting away the ships, which would not be found in time of war so serviceable as they would under the system now pursued. Of course, if war threatened it would be the duty of the Government to bring the ships into a more forward state, and as a few weeks were sure to elapse between a quarrel and hostilities, there would be ample time to prepare them. With respect to men, let the number now maintained be compared with the number during any period of the last forty years. At one time in that period, when there was the greatest apprehension of interruption of peace, the number of seamen and marines voted was 43,000; the number this year voted was, together with the addition recently proposed, 50,000, being 7,000 more than were voted at a time when, for the last forty years, the apprehension of war was the greatest. Under these circumstances he thought neither the House nor the Government could be reproached with having neglected to provide ample means for the defence of the country. He had no doubt the House would authorize any expenditure which might be requisite in order to place the national defences in a state of efficiency, but he thought Her Majesty's Government would not be justified in calling upon the country to make sacrifices which were not absolutely necessary, inasmuch as such preparations had been already made as would be sufficient to meet any emergency. He had not yet adverted to the naval reserve which had been recently established—the coastguard and coast volunteers. The first of these forces had been organized by the present Government. The establishment of coast volunteers had been proposed by the right hon. Member for Carlisle (Sir J. Graham), but during the war the suggestion had not been carried out. He (Sir C. Wood) was happy to say the enrolment of those forces had been successful beyond his warmest expectations. He had asked for 8,000 men for the coastguard, of whom 5,700 were seamen and 2,300 civilians, who would, he hoped, be gradually replaced by seamen. He found from a return he had received to-day that the whole 8,000 men had been raised with the exception of seven. He had asked the House to vote as many men as he thought he could obtain in the course of the year, but men had come in much more rapidly than had been expected, and three months after the Vote had been sanctioned there was only a deficiency of seven men out of 8,000. During the war, some 2,000 men, not in all cases the most efficient, had been draughted from the coastguard into the Baltic fleet, and they had formed a solid and steady nucleus for the crews of the different ships. At this moment, however, if it were necessary, he could put on board ship 5,000 picked seamen, many of them wearing medals, clasps, and the legion of honour, most of which distinctions had been gained during the late war. With regard to the Naval Coast Volunteers, it had not been found possible in several districts to call out that force; but up to this time more than 1,200 men had been called out and trained, and he was sure the House would be happy to hear that the greatest readiness had been evinced to enter that branch of the public service. They had in that force a body of men who would be prepared upon any emergency to defend the shores of this country. If the crews of the block ships were transferred to seagoing ships the coast volunteers would be available for manning the block ships, and he ventured to say that so far as coast defences were concerned the country had never at any former period been so well prepared as it was at present. He was glad the hon. Member for West Norfolk (Mr. Bentinck) had brought this subject under the notice of the House, and had afforded him (Sir C. Wood) the opportunity of making a statement which he thought could not fail to be satisfactory to the House and to the country. He hoped that when next year he proposed an addition to the number of the coastguard and of the coast volunteers he should receive the support of the House in strengthening a reserve force, which was as cheap and efficient as any to which they could have recourse.

ADMIRAL DUNCOMBE observed that the statement of the right hon. Baronet was extremely satisfactory. He believed that the ships to be engaged in conveying troops to India would be taken up by the East India Company, and examined by Admiralty inspectors, and he wished to impress upon the Government the importance of employing none but first-class ships in this service. He had before him a list of the ships already taken up, and he found among them the *Robert Lowe*, of only 100-

horse power, another ship of only 150-horse power, and sailing ships of 600 and 700 tons. It was only by embarking the troops in efficient vessels that due regard to the comfort and cleanliness of the men could, in any degree, be had.

ADMIRAL WALCOTT said the First Lord of the Admiralty had stated that sailing ships were best adapted for the conveyance of troops from England to Calcutta, but as three weeks must elapse before many of those ships could be despatched, it was scarcely likely they would arrive at Point de Galle before the north-east monsoon set in, and if they did not do so it would take them from a fortnight to three weeks to beat up to their destination, while by steamers the distance could be accomplished in a week or ten days. It was of the first importance that the strength and discipline of the troops should not be impaired when they arrived at their destination, and he thought on that ground the advantages of steam-vessels could not be overrated. Certainly sailing ships of 600 or 700 tons were not calculated for the conveyance of troops to India. He had made the voyage to India, and had been for three weeks in a dead calm on the equator; but a ship which could employ steam power for one hundred miles might get into a wind which would enable her to proceed rapidly on her voyage. The right hon. Baronet had stated that the voyage to India could be made by sailing ships in 101 days. The quickest passage he (Admiral Walcott) had heard of was made by the *Medusa* frigate, which took out a Governor General, and which made the passage out in eighty-four days, and the passage home in eighty-seven days; but that was an unparalleled circumstance. He agreed with the First Lord of the Admiralty, that it was not generally advisable to employ ships of war in the conveyance of troops, because he must say, without any imputation upon the soldiers, that it was almost impossible to maintain proper discipline in a crowded vessel. He did not wish to create any alarm, but it was necessary that they should not regard the existing crisis lightly, and if the troops were to be sent out in ships of the mercantile navy, he earnestly entreated the Government to take care that the ships were efficient and properly adapted for the conveyance of soldiers. The First Lord of the Admiralty had said that the ships would be engaged under contract to land the troops within a certain time. He hoped the right hon. Baronet would not excite a spirit of competition among the commanders of these vessels. In the day time all hands would be ready to shorten sail if a squall came on, but at night there would be few hands on deck, and the system of contract to which he had referred might induce the captains to incur risks which sound prudence would condemn, by carrying a heavy press of sail during the night. He thought, therefore, that such rivalry should not be excited, but that the commanders of these vessels should feel that full reliance was placed upon their ability, zeal, and promptitude for reaching their destinations at the earliest possible period consistent with due regard for the safety and the lives of those committed to their charge. He would have been much gratified if a number of our screw line-of-battle ships could have been employed in the conveyance of troops. They were ships of unrivalled strength and speed, and commanded by officers upon whom the fullest reliance could be placed. During the voyage of such ships at this period of the year from England to Calcutta there would scarcely be nine days during which the lower deck ports could not be open on each side, which would give a circulation of air of the greatest advantage to the health of the troops. This class of ships would also afford accommodation for one thousand men, or an entire regiment, and military officers justly attached great importance to the shipment of large numbers of troops in the same vessel, in consequence of the facilities afforded for the maintenance of discipline. The First Lord of the Admiralty said, however, that he had not screw ships sufficiently manned for the conveyance of troops. He (Admiral Walcot) held that the whole House, and not the Government alone, were responsible for the diminution of the income tax in such a manner as to render the reduction of our naval and military forces unavoidable. The hon. Member for Lambeth (Mr. W. Williams) always contended for such reductions, but it was a penny wise and pound foolish system. That was proved in the case of the Crimean war, when enormous sums were expended in raising recruits and in obtaining stores and provisions. He thought that a great maritime country like this ought always to be prepared to maintain its naval superiority, and the expense of a few more thousand soldiers and sailors would be amply returned in case any emergency arose. He therefore submitted that, though he was no advocate for keeping up a large army or navy in time of peace, we ought at all times to be prepared for every emergency. Each of those line-of-battle ships could carry one thousand men. The First Lord of the Admiralty had stated he had not men at his disposal to man them all; but the right hon. Baronet might remove all the seamen from the block ships, and put on board of them the volunteers of whom he had spoken. With five thousand men these line-of-battle ships could be readily brought into commission, and if steam-ships could not be provided in time to take the troops in question to India, he thought it would be imperative on the part of the Government at once to have recourse to the screw ships.

Sir JAMES ELPHINSTONE said, he had heard it stated, with considerable surprise, that the average passage to India with steam-ships was beyond one hundred days. As he knew something of the subject, having been sixteen years in the Company's service, and having made eight voyages to India and China, he was able to state that only on one occasion were they one hundred days at sea. That was in a sailing vessel. [Sir C. Wood: Hear, hear!] Some years ago, also, he had occasion to investigate the logs of a considerable number of ships, for the purpose of assisting a friend of his who was interested in the result, and he found that, on an average of one hundred voyages, with ships fitted with small auxiliary steam-engines, the calm weather in which it would be necessary to get up steam was about twelve days. He considered our system of transports was entirely wrong. In the first place, he thought that iron transports were entirely a mistake. It was perfectly impossible that they could touch ground in the Indian Seas, where coral reefs abounded, without sustaining such damage as to risk the loss of a whole regiment at once. Moreover, they were very hot, and rolled very heavily. These were faults and defects which it was difficult to remedy. The *Transit*, of which they had heard so much, he believed was originally an efficient vessel; but with her large heavy forecastle and square quarters it was utterly impossible that she could be otherwise than unsuitable for carrying troops. He was able to bear out, from his own experience, what had fallen from the hon. and gallant Admiral (Admiral Walcott) as to the condition of the men on landing in India. It was requisite that they should be allowed during the voyage as much exercise as could be had on board ship, such as dancing and other games, in order that they might be able to land in a condition to enable them to carry their knapsacks for the first five miles. We had the most perfect means of remedying the existing state of things. There was a class of ships in the navy which went by the name of "The Forty Thieves," and which would make the finest transports in the world. They had two tiers of ports, and with engines which would enable them to make over fourteen days of calm weather, they would perform the whole passage in from seventy to eighty days. He would put it to the First Lord of the Admiralty whether, in sending out these troops to India, it would not be desirable to tow all the ships round Cape Finisterre, which would have the effect of materially accelerating their speed. If twelve or fifteen line-of-battle ships were fitted up with auxiliary screw engines, and were manned with 250 able seamen each, and with officers accustomed to the passage, a great result would be achieved, because the House must hold in view that they must be in a condition to send troops to India in larger numbers and more continuously than they had ever done before. He had always observed that the system of taking up ships for the transport of troops was a commercial error, for it raised the price of freights, kept our own ships out of commission, and prevented us having a large additional reserve of able seamen who would be able to man them. If the House would give him 250 men for each of those line-of-battle ships he had referred to, he would undertake to navigate any one of them with the greatest possible ease.

General PEEL said, he wished briefly to impress upon the noble Lord at the head of the Government the urgent necessity there was for making arrangements for the systematic relief of the large number of troops that would henceforward be permanently employed in India.

Mr. G. DUNDAS said, he thought the character of these auxiliary screw ships was hardly understood, for they were, to all intents and purposes, sailing vessels of a very high class. A vessel of that description, under sail alone, had frequently gone fourteen miles an hour, while she had the additional advantage of small engines, and consumed a very limited quantity of coals —just sufficient to carry her into the trade winds, and from thence her passage to India was short and easy. Just before he rose he had a return put into his hand of the number of vessels which had sailed from London to Calcutta between the 1st of July, 1856, and January, 1857, from which it appeared that ninety-eight sailing ships had performed the voyage during that period, the average passage of each being 130 days, and that seven auxiliary screw steamers had performed it on an average of ninety-three days, showing a difference in favour of the latter of thirty-seven days. The hon. Baronet (Sir J. Elphinstone) said he disapproved of iron ships, but the ships to which he (Mr. Dundas) alluded were altogether of iron. It was curious to contrast the passages made by Her Majesty's steamers to the Cape of Good Hope with those of the auxiliary screws. The *Hermes* made the passage in fifty-four days. The *Vulcan* made the passage out in seventy-two days, and home in sixty-four days. The auxiliary screws, to which the First Lord of the Admiralty had referred, made the passage in thirty-eight days. It was a marked difference, and confirmed the statements which had been made of the advantage of employing auxiliary screw in preference to sailing ships.

First Resolution, with regard to the Persian war, *agreed to.*

THE WAR IN CHINA.

Upon the Second Resolution, with regard to hostilities in China,

Sir JOHN PAKINGTON said—I wish to avail myself of this opportunity to obtain from Her Majesty's Government some further explanation, with respect to the position of this country in the unfortunate quarrel which has arisen with China. Sir, it is impossible to regard the present position of that quarrel without feelings of considerable anxiety, and I must say that, in my opinion, the explanations of the noble Lord as to the mode in which Her Majesty's Government hope to bring those unfortunate differences to a termination have been by no means satisfactory. It is impossible to conceal the momentous nature of the crisis in India, and I am fully convinced that hon. Gentlemen on both sides of the House will say, as I do most heartily, that the noble Lord, in adequately addressing himself to that crisis, is entitled to all the support which the House of Commons can give him. But, on the other hand, I do think that either the Government should give the House the most candid and explicit explanations upon all points on which explanations are demanded, or state that it is, in their opinion, inconsistent with the interests of the public service to enter into explanations. In the latter case, I am sure the House would defer to such a representation. Now, I am obliged to say that I do not think that the explanations of the Government with regard to our position in China have been as candid and distinct as the House had a right to expect. The noble Lord said a great deal on a former evening about carrying on hostilities in China, but not being at war with China, which seems to be a favourite idea of the noble Lord, when we endeavoured to ascertain the mode of action by which the Government proposed to bring that unfortunate transaction to an end, the noble Lord was extremely reserved, and failed to give any satisfactory explanation. I confess I cannot even now understand the statements of the noble Lord and the present facts with regard to the diversion of the forces despatched for the settlement of the Chinese quarrel to India. Some ten days ago I gave notice of my intention to put questions to the noble Lord upon the subject. When the day arrived the noble Lord did not come down at the usual period of putting questions; but the right hon. Gentleman the First Lord of the Admiralty stated that he was prepared to answer if I would address my questions to him. Accordingly I asked whether the Government had given authority for diverting the troops intended for China to India, and whether the Governor General had sent any instructions to Ceylon for the diversion of those troops? The right hon. Baronet said distinctly that no instructions had been sent from England, and that no authority had been sent by the Governor General to Ceylon. [Sir C. Wood made a gesture of dissent.] I beg the right hon. Baronet's pardon. He said distinctly that the Governor General had not sent to divert the troops, but had made a communication to Lord Elgin to know whether Lord Elgin would consent to divert them. I asked what authority Lord Elgin had to consent, and I recollect the First Lord of the Admiralty said that he must have acted on the principle of *salus populi suprema lex.* In answer to a question which I put to the noble Lord on Monday last with respect to the action fought before Delhi, the noble Lord referred to the diversion of troops from China to India, and expressed his perfect approbation of the application which Viscount Canning had made, seeming to imply an expectation that Lord Elgin would comply with that demand. In a third instance totally different language was held. In an answer which the noble Lord gave on Friday evening I understood him to leave it to be inferred that the Government of this country had authorized and sanctioned the diversion of those troops. I wish to say most emphatically, as the noble Lord the Member for the City of London (Lord J. Russell) has said, that I can take no exception to that course if the affairs of India are of that peremptory nature that the interests of the country require that the troops destined for hostilities in China should be diverted to India. But I think, in that event, the noble Lord should have frankly and fairly stated that in the opinion of the Government the emergency described had arisen. I cannot, however, understand at this moment whether, in the opinion of the Government, that necessity has arisen. I cannot understand to what extent, if it has arisen, the Government have acted. I cannot understand whether the Government have or have not distinctly authorized the diversion of those troops. Instead of a simple and candid statement upon this subject, it appears to me that the language of the noble Lord has been inconsistent with the language which he held in March last upon the Chinese quarrel, and inconsistent with the dispatches contained in the papers which came from the authorities of the Government in China. It is upon these grounds that, with the permission of the House, I am desirous to draw attention to the present state of affairs in China. I do not wish to go back to the question of the lorcha—whether she had the British flag flying or not. I do not wish to enter into the circumstances which attended the commencement of this miserable quarrel, further than to say that I, for one, have not in the slightest degree changed the opinions which I formerly expressed upon its injustice. I cannot forbear expressing one other opinion, that if Her Majesty's Ministers had received—as I confess I think they must have received—warnings of the danger which existed in India—if they had received warnings of the volcano upon which they were standing, the guilt of that unrighteous quarrel with China is rendered tenfold greater. I cannot conceive any imprudence or rashness greater than for the Government to sanction the circumstances under which that quarrel with China was commenced, if they had reason to believe, as I cannot resist the impression they had, that the danger existed in India which has since come forth in so striking and remarkable a manner. Let me remind the House of the peremptory and menacing dictation which marked the language of Sir J. Bowring, Admiral Seymour and Consul Parkes. Consul Parkes writing to Commissioner Yeh in October says, "I have made certain demands. I have demanded the men to be returned. I have demanded an apology to be made. If not complied with within twenty-four hours from this time you shall feel the force of the naval power of England, which will compel satisfaction of our demands." There were only two conditions which would have justified this language. One was that it should be held in a just cause, a point upon which I have already expressed my opinion; the other that the persons who used it should have the power of enforcing it. Now, I think I shall be able to show that this language was rashly used, and that the persons who used it had no power to enforce it. The truth is, that these menaces—these peremptory and offensive demands—have never, up to the present hour, been enforced. The noble Earl the Secretary of State for Foreign Affairs in the House of Lords held language much to to the same effect. He said that it would be impossible to adjust our differences with the Chinese if we were to wait four or five months while a reference was made to England; that it was absolutely necessary to the authority and power of England that we should act immediately, and that no delay should be permitted to take place. But what I ask is, whether we have acted immediately? When did these transactions occur? Nine months ago. It is not only that we have lost four or five months, the period which Lord Clarendon thought so objectionable, but nine months have occurred since these differences began. Have we carried out one of our menaces? Do we now stand in a better position in China than we did nine months ago? We all know that this menacing language produced no effect upon the Chinese authorities. Yeh was not alarmed. He refused compliance, and what was the result? That bombardment took place which, if I heard aright, was denied the other night, and with respect to which the right hon. Gentleman the first Lord of the Admiralty was to read some private letters this evening. I think the right hon. Baronet will have considerable difficulty in proving that

Canton was not bombarded, or that the Chinese were not justified in those touching complaints they made of the destruction of life and property which ensued. Such was the conduct of our authorities in China. Did that conduct produce the results intended? By no means. The next event that occurred was that, in revenge for the bombardment of the Yamun, or residence of the Commissioner, the Chinese made an attack upon the British factories at Canton and burnt them to the ground. Every effort was made by the forces of Her Majesty to prevent that destruction of British property, but in vain. What was the next thing that occurred? Sir Michael Seymour wrote a dispatch intimating his intention, although the factories had been destroyed, to erect fortifications in the factory gardens, to remain at Canton, and to keep Her Majesty's ships in the river, for the purpose of prolonging hostilities. A very short time elapsed before Sir M. Seymour found that this plan of operations was impossible. He was not able to carry it out. He abandoned his intention of fortifying the factory gardens, or of remaining at Canton. At last he was even obliged to abandon his intention of keeping Her Majesty's ships in the river. He retreated to Hong Kong. A dispatch written in January and received at the end of February shows the view which Sir M. Seymour entertained at that time of the position of Her Majesty's servants and forces in China, and the line of action which he thought essential to the support of British interests in that country. Sir M. Seymour wrote:—

> "The necessity of maintaining my communication with Hong Kong has decided me to modify my plan of operations, and to confine myself to keeping the river navigation open until the arrival of reinforcements. I shall therefore withdraw from the Dutch Folly and Factory Gardens, and occupy the Bird's Nest Fort, which, with the Macao Fort, will give me a most commanding position. By this measure I shall release the *Niger* and *Encounter* from a confined anchorage, where they are in continual danger of being burnt by fire rafts or from rockets from either shore, and secure their services for any emergency."

He then goes on to say, and upon this passage I shall have to beg some explanations from the Government:—

> "On a consideration of the circumstances herein set forth I trust their Lordships will concur in the propriety of my having, in conjunction with Her Majesty's Plenipotentiary, applied to his Excellency the Governor General of India for the assistance of 5,000 troops. As, however, the warm weather will be approaching before any force can be assembled, and the Chinese are active in their preparations for the defence of their city, it would be expedient to have such an army as will, by their numerical strength, render a successful result the more certain."

I wish to ask the Government what was the result of this application for 5,000 troops from Sir M. Seymour to the Governor General of India? The noble Lord at the head of the Government told us the other night that the force at Hong Kong is now sufficient for any purpose to which it is likely to be applied. I do not understand on that hypothesis why an additional force was sent from this country. But I am disposed to believe that the force at Hong Kong is very far from being sufficient for the end required, and therefore I want to know whether this application was made by Sir M. Seymour to the Governor General of India; what the answer was; whether any troops have been sent from India to reinforce Sir M. Seymour in China; and if no such reinforcements have been sent, how the noble Lord opposite reconciles with that fact his statement that the British force now at Hong Kong is sufficient for any demand that may be made upon it? How can we hope to make such inconsistencies tally one with the other? The noble Lord has also told us that Lord Elgin is going to carry on a negotiation in China. How is that statement to be reconciled with the language held by the Earl of Clarendon in another place, that the only argument which the Chinese understood was the argument of force? The noble Lord was told the other night by the hon. Member for Plymouth (Mr. James White), who has himself resided in China, that it was perfectly useless to send Lord Elgin to negotiate with the Emperor. He was informed that the Emperor would refer our Ambassador to Commissioner Yeh at Canton; and what the result of that reference will be, the House may easily conjecture, when it recollects how Yeh received our demands eight or nine months ago. If Yeh did not then comply with the demands of the British Government, menacing as they were, and supported by a certain show of naval power, is he likely to comply now, when our naval power has been tried and has failed, and when, instead of threatening the Chinese with fire and sword, we are ourselves reduced to a defensive position at Hong Kong? I cannot but regard these circumstances as being of the most serious character. It appears to me that they are of a nature to endanger the power, the reputation, and the authority of England in the East. I for one utterly condemned the policy of this Chinese war *ab initio*, nor have I since modified that opinion. But Her Majesty's Government having embarked in it, I hold they are bound by every consideration which can influence British statesmen, to see that at least our honour shall, if possible, remain unsullied, and that we shall not be exposed to insult and disgrace in consequence of these unfortunate transactions in China. I have already admitted, to use the language of Shakspeare, "that good reasons must give place to better," and that there may be paramount considerations why these troops should be diverted from China to India. But let the Government be more frank and explicit than they have been. Let them tell us what the necessity is. Even then I must ask them how they propose to carry out this Chinese quarrel. Divert troops to India if you please, but you must adopt some substitute. We are embarked in a war. Hostilities have been going on for some time, and no one can deny that to a certain extent we have failed. I hold it, therefore, to be of the very first importance that the noble Lord should give this House and the country some fuller and more intelligible explanation than he has yet given as to what his intentions and prospects are with respect to the prosecution of this unhappy Chinese war. Where is General Ashburnham? Is he to go with these diverted troops to India, or is he to go to Hong Kong, there to be a general without an army? Where is Lord Elgin? At what place is he to negotiate? At Pekin or at Canton? Above all, is he to negotiate with or without that strong and indispensable support which a military force could give in China? If he negotiates with that support, I am afraid he cannot be successful. Let me ask the noble Lord another question. To what extent is the diversion of troops to be carried? He has told us that the portion of the Chinese expeditionary force which has been sent to Singapore may be diverted to India; but he has never told us what portion has been sent to Singapore, and what portion goes straight to Hong Kong. Therefore upon that point we have no information, and for the sake of the public interest, I entreat the noble Lord to give us some intimation of what, in the event of a diversion to India of the troops sent out, will be the military force in China. I thought it indispensable to make these inquiries, not in any hostile spirit towards the Government, to whom in this emergency every support should be given, but because this is a matter upon which I feel great anxiety, and also, I must say, some apprehension. I do trust that this unhappy quarrel, begun in injustice, may not terminate in disgrace.

SIR CHARLES WOOD: I hope the House will allow me to repeat some of the statements which I made the other night, which it is necessary I should do in order to reconcile those inconsistencies and wonderful contradictions which the right hon. Gentleman has conjured up. I must say I do not understand the object of a considerable portion of the right hon. Gentleman's observations. He said he was unwilling to revive the discussion of which we had had so much in the preceding Parliament, but, nevertheless, he contrived to indulge in a few strong epithets of the injustice of our cause and the cruelty of our conduct. Another observation, too, I think he would have done well to withhold until he had read the papers which my right hon. Friend the President of the Board of Control has just laid upon the table. The right hon. Baronet attributed great blame to the Government for undertaking the war in China, having been warned of the volcano upon which we were standing in India. If he had waited for the papers he would have found that his supposition was wrong, for they will distinctly show that no such warning was ever given. However, to take the right hon. Gentleman's complaints in chronological order. He first complains that threats were used by Mr. Consul Parkes which were never enforced. It is quite true that Yeh was not brought to reason by the coercion employed. It is quite true that Sir J. Bowring and persons more experienced in China than he, were mistaken in their estimate of the effect which our operations would have upon the Chinese authorities. They believed that each successive step would produce the effect of enforcing compliance with our demands, and such was the universal opinion of the authorities of Hong Kong, which was to some extent justified by a preceding case, when Captain M'Dougal, with a much less force than was at the command of Sir M. Seymour, obtained all that was required. If I am called upon to say to what I attribute the non-compliance of the Chinese with our demands on the present occasion, I should attribute it to the mild course we have pursued, and the anxious care we have displayed to spare life and property, which have led the Chinese, like most barbarous nations, to attribute our forbearance to a sense of weakness. I will now say a few words in reply to the tirade we have heard about the bombardment of Canton. The hon. Member for Plymouth (Mr. James White) the other night gave a very correct account of what was done there or rather what was not done. The public buildings were shelled, as were also buildings in which troops were seen, and magazines were exploded, but none of the habitations of the peaceful portion of the people—the inhabitants who took no part in the warlike proceedings. It was not an indiscriminate bombardment, by which the dwellings of the peaceful inhabitants of Canton were destroyed. I deny that such was the case. The only passage in the Canton papers upon which such a statement could be based is at page 139, where Sir M. Seymour says, "I am now shelling the city from the Dutch Folly." The question is, what is the meaning of these words? Do they mean that the Admiral was shelling what the hon. Member for Plymouth called truly the peaceable portion of the city of Canton —that part wherein were situated the dwellings of the people who took no part in offensive operations against us; or do they mean what is expressed in another page of the papers, wherein Sir M. Seymour says, "A few shells were thrown into the city yesterday from the Dutch Folly, in the direction of the Government buildings?" [Lord C. Hamilton: That was on the 14th of December.] The question is, whether the words of Sir M. Seymour which have been so criticised mean that or more. Do they mean that he wantonly bombarded the city? He was quite ready to admit that they might bear the larger construction which had been given them, but whether justly or not was another question. It has been my duty most carefully to read all the dispatches of Sir M. Seymour, and referring to the course which he pursued on former occasions as evidence to guide us in reading these dispatches, I thought at the time that it was utterly impossible that he could have done that which is attributed to him, which is totally contrary to the spirit in which he conducted other operations. He says in a dispatch, which will be found at page 97—

> "I resumed operations on the following day (October 28) from the Dutch Folly. . . I had previously given the fullest warning to the inhabitants in the vicinity to remove their persons and property (Captain Hall having landed twice for that purpose), in which occupation they were engaged during the whole of the night. Before the landing took place I assembled the officers and urgently impressed upon them (as I had previously done by written order) the necessity of restraining the men from molesting the persons and property of the inhabitants, confining warlike operations against the troops only; and I have pleasure in bearing testimony to the forbearance and good conduct of the seamen and marines. No straggling took place, and when the orders were given to re-embark, the men returned to their boats with regularity and despatch."

Thus, when the course of military operations rendered it necessary for him to attack those buildings, he sent his flag-captain twice on shore to induce the inhabitants to quit with their property, and delayed his attack to give them time to do so. With this view of the character of his proceedings it is perfectly impossible to believe that on a subsequent occasion he should have done that which is so contrary to the spirit of his instructions, so contrary to the feelings of an Englishman, and so contrary to the character of an officer who is designated even by those who differ from Government as one of the best and most humane of men. I said in one of the discussions which took place upon the subject, that hon. Gentlemen were not justified in placing the construction which they did upon these words of Admiral Seymour. I said I was convinced that what he did mean was, that he simply bombarded the public buildings and places where troops were assembled. Since which I have written to Sir M. Seymour to ask him whether the construction which I placed upon the words was the correct one. I can truly say that there was not the slightest personal feeling in my mind with reference to the contradiction which I had received as tō the right interpretation of the passage to which I have referred, but when I alluded to the matter the other night I certainly thought that those who had denounced a gallant officer for his inhumanity would have received with pride and satisfaction the contradiction that wiped away such an imputation from the character not only of that gallant officer, but of the nation to which he belonged. I was astonished at the attempt to throw discredit on the statement then made, seeing that it was calculated to remove an imputation cast on the nation as well as on the character of one of our most gallant officers. As I have already said, I wrote to Sir M. Seymour, with reference to the bombardment of Canton, and from him I received an answer, in which occurs the following passage:—

> "I must not omit to thank you for the caution you are kind enough to give me in the instance (p. 139) where I inform Sir J. B. that 'I am now shelling the town,' which, it is scarcely necessary for me to say incorrectly conveyed more than the reality. The world at home will by-and-by learn that there has been no indiscriminate destruction of Chinese persons or property at any period of our operations, and how studiously I have avoided such a repugnant course, notwithstanding the most urgent advice for a very different proceeding from classes 'many and various.'"

Since I came down to the House I have had put into my hands confirmation of this statement from an independent quarter—namely, from the Belgian Consul at Shanghai, and published in the "*Moniteur Belge.*" In a letter written by that gentleman, and dated "Hong Kong, May 9, 1857," he says:—

> "Admiral Seymour has conducted all his operations in the most humane and mildest manner. I can, as an eye-witness, guarantee that the so-called bombardment of Canton was so conducted as to inflict as little injury as possible on the inhabitants, while punishing the authorities."

I hope, after these statements from the gallant Admiral himself, and from an eye-witness in the person of the Belgian Consul, that the imputation cast on us as a nation and on that gallant officer will not be repeated in this House, and that in future a more generous view will be taken of the conduct of officers discharging responsible duties in distant parts of the world. So much for the alleged bombardment of Canton. It is true, as the right hon. Baronet states, that the measures then taken had not the effect of inducing Commissioner Yeh and the authorities at Canton to come to terms with us upon the question in dispute. After the attack on Canton and the destruction of the public buildings, the vessels were withdrawn and moored at intervals on the river from Bird's-nest Fort to Hong Kong, as it was thought necessary to have a check on the war junks and keep open the communication. There was no object to be gained by holding the river suburb of Canton after the destruction of the factories. It is true, also, that the Governor General of India was requested to send a body of troops to assist in making an attack on Commissioner Yeh, and that he declined to send them; but it appears that afterwards part of two regiments were sent from Madras to take up their position in Hong Kong. Such was the state of matters when last we received intelligence from China. My noble Friend, when this question was first before the House, announced—and the announcement was received with the greatest satisfaction by the House—that Lord Elgin had been sent to open direct negotiations with the Imperial Government of China, to endeavour to get the present dispute brought to a settlement, and to place the relations between the two countries on a sounder foundation for the future. My noble Friend (Lord Palmerston) repeated that announcement two or three nights ago; and therefore I hardly understood what the right hon. Gentleman meant when he asked what were the views with which Lord Elgin was going to China. Surely the right hon. Gentleman could not have misunderstood the statement made by my noble Friend so short a time ago, and yet he has asked for what purpose Lord Elgin has gone out to China. It was further stated that the Government had sent out 5,000 men to China, that it was not thought desirable they should arrive before autumn as the climate of China was such as to render it impossible for European troops to act during the hot weather. It was expected they would arrive at the time when Lord Elgin returned to the south, after completing his negotiations at Pekin, when, if his efforts had been successful, and all questions were satisfactorily settled, they would be again sent home. If, on the other hand, his negotiations failed, then the troops would have arrived there at a time when their services were most desirable. A considerable naval force has also been sent out, but as far as we have any information up to the present time one vessel only has arrived, which had not been sent to China wholly independent of these transactions. I thought it desirable, in sending out vessels, to relieve those which had served their time on that station, to include seven or eight gunboats, to be employed in co-operation with the Chinese authorities in protecting the trade against the pirates that infest the Chinese waters. By the last accounts we were informed that seven of these gunboats had arrived, and I have no doubt that ere long we shall have a good account of their operations against the war junks, a service for which they are peculiarly adapted, inasmuch as they can follow them into the shallow water where vessels of larger draught are unable to go. At the present moment Sir M. Seymour holds the Bird's Nest Fort, which is one-and-a-half mile from Canton, as his advanced post, and from thence to Hong Kong, the whole way down the river is occupied by our vessels moored at intervals and keeping up an uninterrupted communication. Canton is effectually blockaded, and it appears is reduced to a state of great distress—there is a great scarcity of provisions—money being raised at 7 to 8 per cent. per month, and, strangely enough, an application has recently been made to the Admiral to allow grain to pass through our fleet to the relief of the inhabitants of Canton. At all other places in China with which we have communication the greatest harmony prevails between us and the Chinese authorities, and piracy has to a great extent been put down. But the right hon. Baronet asks why we do not take efficient means for prosecuting hostilities with China; though he has been informed time after time that it is impossible our troops can act in China till the autumn, and they would be there when Lord Elgin returned from Pekin. I have also said, that 5,000 troops have been sent out, which will be ready to act should Lord Elgin fail in bringing the matter to a satisfactory conclusion by negotiation. In the former Chinese war, when Lord Gough landed, he had only 2,700 men, which he found sufficient to beat the Chinese. Then the right hon. Gentleman, with a grave face, asked what were the circumstances that induced the Governor General to divert the troops on their way to China. I was certainly astonished to hear that question, as I thought it was obvious enough what those circumstances were, and that they were a perfect justification of the course which the Governor General had taken. And if those circumstances are a sufficient justification in the opinion of the right hon. Baronet as they were in the minds of everybody else, what does he mean by saying that the Government have not prosecuted the war in China with sufficient vigour to obtain our demands? The Government have taken active measures to send troops to China, but a greater necessity arose, and they have diverted those troops from their original destination to meet that necessity. Then the right hon. Gentleman said that the different accounts were contradictory, but if the right hon. Gentleman would take into consideration the difference of date, he would find everything consistent. The right hon. Gentleman asked me last Friday week whether any orders had been given to Lord Elgin by the Government to forward any portion of the troops then on their way to China to India. I replied that no such orders had been given. He then asked if Lord Canning had sent any orders to divert the troops from Ceylon, and I stated that, so far as I was aware, no such orders had been sent. He then asked whether Lord Elgin had authority, in case of receiving an application from Lord Canning, to divert the troops. My answer was, that when Lord Elgin left this country we had no idea that such a need would arise in India, and therefore no authority had been given him on the subject. That was then the exact state of the case; but on Saturday morning a different state of things arose. A telegraphic message was then received from India, and the first measure which we took upon its receipt was to stop the India mail which left here on Friday night, and to send out orders to Singapore to stop all the troops which had not passed that place, and to divert them at once to India. At the same time we received intelligence that Lord Canning's letter which had not reached Lord Elgin at Ceylon, had overtaken him at Singapore, and that Lord Elgin, acting upon a most proper estimate of the emergency of the case, had taken upon himself to divert all the troops originally destined for China to the graver need which had arisen in India. That was the step which Lord Elgin took, acting upon the principle *salus populi suprema lex*, and the measure has met with the perfect approval of the Government. I believe that the whole of the 5,000 troops sent from this country and intended for China will touch at Singapore, and that, in accordance with the direction of Lord Elgin, and the orders subsequently sent from home, they will all there be diverted to meet the greater need in India. When Lord Elgin wrote, the first regiment which had been sent on from the Mauritius had not reached Singapore, consequently there is reason to believe that the whole of the force will go to India. The hon. Gentleman then asked what is our present position in China? Up to the latest accounts, Lord Elgin was at Singapore, waiting for the frigate which is to convey him on to Hong Kong, from whence he was to proceed to Pekin to open negotiations with the Imperial Government of China; but what he might do under the circumstances he might have to meet when he arrived there, it is impossible to say. He has ample naval force at his command to meet any emergency that might arise, and he must act upon his own responsibility and according to his own view of what the necessities of the case demand. It is impossible to judge here of what circumstances he may have to meet, or to give specific instructions in reference to negotiations carried on at the other end of the world. Lord Elgin is a man of discretion and sound judgment, and by that discretion and judgment he must be guided. Probably before his arrival the war junks in the river will have been destroyed, but no further operations will be undertaken until the result of his negotiations are known. Hon. Gentlemen are aware that a large additional force of gunboats has been sent out. These will reach China probably in the autumn after the arrival of Lord Elgin, and will be available for any operations that it may then be thought necessary to carry out. A considerable force of marines is also to be sent out, which will furnish garrisons for the forts and allow a greater force to be brought against Canton. The force now under the command of Admiral Seymour will enable him to hold his own until they see what effect Lord Elgin's representations to the Imperial Government have, and by that time there will be an ample naval force in China to enable Lord Elgin to carry on whatever operations the circumstances of the case may render necessary. My own belief is, that there will be no interruption of peaceful relations in any other part of China, for at no time since the last Chinese war have the authorities and the inhabitants of the other ports exhibited more friendly or more amicable feelings towards the people of this country. Whatever hostilities take place will, I believe, be confined to Canton. It is the wish of Her Majesty's Government that they should be confined to that place; and that seems also to be the wish of the Chinese Government and people. At present the efforts of Admiral Seymour will be directed to the maintenance of his present position, no further hostile operations being intended until the result of Lord Elgin's mission is known.

Lord CLAUD HAMILTON said, he felt deeply that England was compromising her honour and her high character in entering upon these hostilities with China, and he must protest against the attempt of the right hon. Gentleman who had just sat down to cast upon those who differed from the Government as to the policy and conduct of the hostilities against Canton, the invidious imputation that they were, therefore, desirous of running down the gallant Admiral whose misfortune it was to be obliged to be engaged in these discreditable proceedings. As Sir M. Seymour was a gallant Admiral, he must from his inmost soul detest the task which was intrusted to him, and must feel degradation and humiliation in pouring shot and shell and fireballs into a city full of a peaceful commercial population. Because he (Lord C. Hamilton) was obliged to condemn the conduct of the Government then, let it not be supposed that he blamed the gallant Admiral. The right hon. Gentleman who began his speech by asking the House to look into the blue-book which contained a narrative of these events, fell into a strange error in quoting them, by disregarding the dates of the different dispatches, and treating them as if they were arranged in the book according to their dates. In this manner the right hon. Gentleman was in error as to the period at which the Admiral wrote that he was shelling the city from the Dutch Folly, and he appeared to be in error also as to the period at which the inhabitants were said to have been warned previously to the shelling of the city from the Dutch Folly. The right hon. Gentleman had endeavoured to meet a public statement by a private letter, but his vindication entirely rested on a confusion of dates, for the dispatches clearly showed that while on the 14th of December the fire was turned on the public buildings and the wall, on the 15th of December the city itself was shelled. It was said that the object of the Admiral in the Chinese seas was to prevent the destruction of private property. He had no doubt of the Admiral's desire, but it was impossible, if the Admiral acted in conformity with his instructions, but that there must have been an enormous destruction of private property. The noble Lord had said we were not at war with China, but he would ask what possible effect could have been produced by all these cruelties, occasioned, as stated in the *Friend of China*, by a "terrific and continued cannonade for five hours," and by a "tremendous conflagration," as mentioned in another account? In the *Morning Post* there appeared a private letter of the date of the 15th of December, in which it was stated that they had created a great hubbub among the Chinese (Laughter). He would take that laugh as an index of the humanity of those carrying on the war against China. The sufferings of the inhabitants of Canton could not force Commissioner Yeh, who was acting under orders from the Emperor, into compliance, and therefore the infliction of those sufferings was wanton and cruel. But when the House heard so much about moderation, it was right that the House should know that the Admiral rather discountenanced moderation, for it would be seen in the bluebook that he said, "compulsion is the only argument to convince the Chinese," and "moderation is considered but another name for want of means to enforce compliance." However, the Admiral was not to blame for acting on his instructions; but the right hon. Gentleman had completely failed in his attempt to prove by a private letter that the impressions borne out by these public despatches was not correct. The noble Lord the other night said, that the public had approved the proceedings at China, but if that were the case, why did not the noble Lord propose to wipe from the journals of the House the Resolution adopted in the last Parliament? If the noble Lord made such a proposition he would find that the House would come to a similar decision, for not a single person representing a large constituency had declared that he would concur in an approval of the proceedings at Canton. The noble Lord knew very well that other circumstances besides approval of what had occurred in China affected the decision at the hustings, and, indeed, some of the noble Lord's colleagues had been obliged, in order to please their constituents, to state in their addresses that they did not like the whole of the proceedings there, but that they should have been wanting in liberality if they had not supported a distant public servant.

SIR CHARLES NAPIER said, he did not know what the noble Lord meant when he said, that the Admiral in the China seas had received instructions to commit horrible cruelties. The Admiral only received orders from the Admiralty, and if he had received orders to commit horrible cruelties he would not have obeyed the orders. He had himself received a communication from Admiral Seymour, in which that Admiral said, that they did not call it war in China, but only the punishment of some people for insulting the British flag; and that they threw a shell into the town occasionally. He believed that was quite right, for it was the only way to bring the war to an end. Under present circumstances at Canton weapons must be used at a distance, and nothing else was to be done but to throw a shell in now and then in moderation. To hear the noble Lord one might suppose that Admiral Seymour was massacring the whole of the Chinese at Canton, but he understood from that gallant Admiral that he thought it hard that he should be abused by persons who were thousands of miles from the scene of action and who knew nothing of what occurred.

GENERAL THOMPSON said, he believed that the transactions in China all arose out of what was technically called a "trade falsehood," which, it seemed, was not regarded everywhere with all the dislike which other falsehoods created. There was evidence of a foregone conclusion to quarrel with the Chinese, and a wretched and dishonourable subterfuge was got up about a miserable boat and some men who were taken from it. It was said that the British flag was insulted. They had all heard of the British flag and the British lion at the elections; there had been no end of the cries, "The British flag! The British flag! The British lion and the British flag!" and evidence had now come out, that there had been no British flag at all. The plea had been, that there was a kind of *fetishe* stuck up, which the Chinese were bound to have recognised and venerated; but now the evidence came that there was not even the *fetishe.* The floods of falsehood which followed were only equal to the first. Was there a man who believed in the poisoning at Hong Kong? Call the whole College of Physicians, and ask whether they could poison 300 men with arsenic without any of them dying, the arsenic not being weighed out by grains and scruples, but put into bread of which they ate according to their appetites, some more, some less. That was falsehood the second. Then there was falsehood the third, which came down to Huddersfield, where a most able and respected servant of the public, formerly a Member of that House, was excluded from a seat. The news came down there, that all was over; that the Emperor of China had conceded everything that was demanded; that the British lion was triumphant; and that there was nothing more to do but turn out of Parliament the gentleman to whom he had alluded. He would suggest to the House the consideration of a counter case. Suppose a fleet—Russian it might be—appeared in the Humber to enforce the landing of alcoholic drinks in defiance of the Excise. Suppose the director of that armament declared that he was not at war with Queen Victoria, but with the Mayor of Hull, and then the fire of the fleet was directed upon the Mayor's cucumber-frames,—would any one maintain that this was conduct worthy of a great nation, or, indeed, of any nation, and that it did not sink the nation guilty of such an act below the ordinary level of civilization and humanity? Would not such a nation be degraded to the rank of Filibusters and pirates? What would everybody say of a Government that adopted such falsehoods, that patronized such actions, and that gave every public officer in its service reason to believe that he might commit any wanton or foolish thing he pleased, and would receive their support? Believe none of us,—never trust a philosopher or a Benthamite again,—for there was no knowing to what lengths he would go when he once got his head turned by communications with men who regarded opium-smuggling as the grand virtue, and its enforcement by violence as the merit of merits.

Resolution *agreed to*, as were the remaining Resolutions.

PROBATES AND LETTERS OF ADMINISTRATION BILL—COMMITTEE.

Order for Committee read.

LORD JOHN RUSSELL said, he had to present a petition signed by 110 out of 116 proctors of Doctors' Commons, representing that as the Bill now stood their occupation would be altogether destroyed, and that they had invested large sums in qualifying themselves for their offices, and praying the House to grant them just compensation.

SIR JOHN TROLLOPE said, he had to present a petition from bankers, solicitors, and others of Lincoln, against any limitation with regard to the amount of property for which probate might be granted in the District Courts.

Petitions to lie on the table.

House in Committee.

THE ATTORNEY GENERAL proposed four new clauses, the first providing that the Court of Probate may cause questions of fact to be tried by a jury before itself, or direct an issue to a court of law; the second defining the powers of the court for the trial of questions by a jury; the third providing that the question shall be reduced into writing, and that the judge shall have the same authority as a judge at Nisi Prius; and the fourth enabling the court to direct issues to try any fact.

The Clauses were *agreed to*, and added to the Bill.

THE ATTORNEY GENERAL said, that he had now, in conformity with the promise made by him when the House was last in Committee on the Bill, to move the addition of the following proviso after Clause 41:—

"That no probate or letters of administration shall be granted by a district registrar where the deceased was at the time of his death possessed or entitled, either beneficially or as a trustee, of or to any Government stock, funds, annuities, or securities, or any stock of the Governor and Company of the Bank of England, or of the East India Company, or of or to any stock or shares of the capital of any other company, corporate or unincorporated, of which stock or shares the transfers are usually either made, or registered, or perfected, by entry in books kept in London or elsewhere within the Metropolitan District; and any probate or letters of administration granted contrary to this provision shall be subject to revocation by the Court of Probate; but all acts done under the probate or letters of administration before revocation in respect of any property other than any such Government stock, funds, annuities, or securities, or any stock of the Governor and Company of the Bank of England, or of the East India Company, or any such other stock or shares as aforesaid, shall be as valid as if such probate or letters of administration had been lawfully granted; and for the purposes of this provision, the Metropolitan District shall include all places within the jurisdiction of the Court of Probate not included in the districts specified in Schedule A to this Act."

And also the following proviso:—

"Where any probate or letters of administration has or have been granted contrary to the provision lastly hereinbefore contained, it shall be lawful for the Court of Probate either to revoke the probate or letters of administration granted by the district registrar, and to make a new grant, or to confirm such probate or letters of administration, under the seal of the principal registry of the Court; and any probate or letters of administration so confirmed shall be as valid as if originally granted by the Court; and, in the case of any probate or letters of administration, with the will annexed, granted contrary to the said provision, it shall be lawful for the Court to cause the original will to be brought up from the district registry, and deposited in the principal registry thereof."

The effect of those provisos would be, that with regard to property locally situated in any District, and to any amount, the probate granted by the district registrar would be sufficient for all purposes; but that when it was necessary to produce a probate in London in order to effect a transfer either of funded property, stock of the Bank of England, or of the East India Company, or shares in any railway company, it would be requisite that the probate granted by the district registrar should have attached to it the seals of the metropolitan office, in addition to those of the district registrar; so that property of that description would not be transferred on the entire credit and faith of the probate of the district registrars. Supposing, therefore, there was a small railway, the head office of which for the transfer of shares lay in any registrar's district, it would not be necessary, in case of an estate comprehending shares in such railway, that there should be a metropolitan probate. If, on the other hand, a testator possessed property in any of the large railway companies, such as the Great Western or the Great Northern, the shares of which were principally transferred in the offices of the companies in London, then it would be necessary to have a metropolitan probate. He trusted the proviso, as he had described it, would be found to correspond with the agreement he entered into with the Committee when the Bill was last under consideration.

SIR JOHN TROLLOPE said, the hon. and learned Attorney General had stated that these new provisos had been brought up under an agreement he had made with certain hon. Members who took part in a former discussion. He (Sir J. Trollope) must repudiate altogether the notion of being a party to any such proviso. The course which he and those who acted with him took on that discussion was to object to any limitation, and that principle was confirmed by a considerable majority of the Committee. So far as he was concerned he would readily assent to the proposition that probates passing funded property should be counter-sealed in London; but he could not conceive the necessity why persons residing in the provinces and holding probates in reference to any species of share property, that happened to be corporated or unincorporated in London, should be subject to the expense of having such probates counter-sealed in the metropolitan office. He believed no instance had been quoted either by the hon. and learned Attorney General or any other hon. Member of the commission or attempted commission of any fraud with regard to the stock of either the Bank of England or the East India Company in the provinces. The only notorious case of that kind was the fraud of Fletcher on the Bank of England, but that was wholly concocted and carried out in London. There was scarcely a small tradesman or farmer in the country who did not hold a share in some joint-stock company or other; why should his will be proved in London when it could be done just as well near the home of the testator? The House had confidence in the registrars to be appointed by the Commission; and though he conceded the protection required as to Bank or East India stock, he objected to the extension of it to the stock or shares of other companies. He thought that the Clause which the hon. and learned Member for East Suffolk (Sir F. Kelly) had on the paper was more in accordance with the wishes of the Committee, and he would therefore move that this clause be negatived.

MR. SALISBURY observed, that the London and North Western, the Great Northern, the Eastern Counties, and the Great Western Company were not confined to London; they took in almost the whole country, and it was absurd that shareholders in the provinces should be called upon to go to the double expense and trouble of obtaining probate in London.

MR. HENLEY said, he had always protested against shares being placed in the same category as the funds. He had never heard any share company express a wish to that effect; the Bank of England might desire that all their business should be done in London, but joint-stock companies did not, and that was a sufficient reason why shares should be struck out of this clause. Leaving the matter optional, that would be the best mode of proceeding; but at all events he hoped the clause would be so amended as to leave out the part relating to shares. If everything were to be done twice, there would be double trouble and double expense; but it was doubtful if it would give double security.

MR. MALINS said, he fully concurred in what had fallen from the hon. Member for Lincolnshire (Sir J. Trollope), and therefore objected to the clause, which was founded on no principle or reason. As the Bill was originally framed the country probate was limited. The House negatived that, the main principle of the Bill; and now the hon. and learned Attorney General proposed that the country probate should not be good to transfer stock or shares. That was a limitation of jurisdiction without any just reason. Why, as to railway companies, it often happened that their principal places of registry were in the country, as at York or Derby. Where was then the necessity of bringing the probate to London? The testator might have half-a-million of money in a bank at York or Derby, and no London probate would be required; but if he had £100 in shares of a railway having an office in London, a probate in London would be required. Take another illustration of the absurdity of the clause: a man possesses a few shares in the London and Westminster or the Union Bank of London; in that case the country probate would be good for nothing, but he might have thousands of pounds deposited in the particular bank, and in reference to that the country probate would be good. Was not that a manifest absurdity? And would the House adopt it, merely to get the Government out of a difficulty? It would reintroduce the vicious principle of *bona notabilia*, which caused the whole evil of the old system. The clause was opposed equally to reason and to the principle of the measure, and was a violation of common sense. The Bank of England only required that proper care should be taken. Did his hon. and learned friend hold out to the Committee that the local accounts were not to be trusted to the local courts, or that those courts should not be allowed to give authenticity to a will? If so, the Bill was useless. But if they were to give authenticity in one respect, they ought to be allowed to do so in all cases. Though he advocated that those whose business was destroyed should be compensated, yet if they could not be protected otherwise than by such a clause as this, he thought they must consider their days as numbered. The clause, in his opinion, was altogether bad, and he should oppose it.

Mr. GLYN said, the clause had been evidently framed on the principle of giving additional protection to certain joint-stock companies in London. The bankers of London were at present in the habit of acting only on probate in London, and they felt great interest in this Bill, and it was their opinion that there was no reason for making a distinction between the Bank of England and the other banking companies of the metropolis. The transfer of stock and shares was a process that required time, but the transfer of money was effected at once, and, therefore, if additional security was to be given in the shape of probate in the London court, he thought it should be extended equally to all joint-stock companies and dealers in money. The same principle applied to all, and it ought not to be confined to the Bank of England.

Mr. WIGRAM said, that he thought that a special claim might be made out for the Bank of England and the East India Company. The stock of those establishments was, in reality, Government stock, and the tranfers were so numerous that it would be desirable to have one uniform probate. There should be one uniform court, and one seal to ensure regularity, and it was not on the ground of uniformity only, or as a matter of protection, but in order that the public might have full confidence in the tranfers at the Bank that he thought this clause was necessary. With respect to railway shares registered in London and other places, he did not see what ground there was for making a valid distinction between them. He, therefore, would suggest that the clause should be confined to Government stock.

Mr. GLYN said, the liabilities would fall on the Bank of England, and not on Government stock in the case of fraud.

Mr. WIGRAM replied, that it would be better that there should be one general Court of Probate for the Metropolis.

Sir JAMES GRAHAM said, he had hitherto been silent during the discussions upon this Bill, and he would frankly tell the Committee why. Last year he ventured to differ somewhat from the hon. and learned Attorney General in the progress of a similar measure; his hon. and learned Friend reprehended him so severely upon that occasion, and he had retained so lively a recollection of the attack made upon him that he had not dared to express an opinion this Session. But he was a humble follower of the Attorney General in the course taken by him in the Commission to which frequent reference had been made. On one occasion he voted with the Master of the Rolls and the Attorney General against the rest of the Commissioners upon a point which appeared to him of great importance. The majority naturally prevailed, and both the measure of last year and the present Bill departed from the principle which he, under the auspices of the Attorney General, ventured to support. He was then, and still remained, decidedly of opinion that the same tribunal to which the duty of granting probate was confided ought also to construe the instrument. That, he thought, would conduce both to economy and the public interest. With the Attorney General and the Master of the Rolls, he likewise thought that that tribunal should be a branch of the Court of Chancery; but the horror of the very name of Chancery so appalled the public and the House, that it was now utterly impossible to give effect to that proposition. He considered it very doubtful whether the court now proposed—simply a Court of Probate without the power of construction—was a competent tribunal; but that part of the subject, he thought that the hon. and learned Member for Wallingford (Mr. Malins) gave a great deal too much of indirect praise to the proposition that the local probate should be limited to £1,500 when he designated it as a principle. There was no principle in it whatever. More than a half of all human affairs depended upon compromises, and, to let out the secrets of the prison-house, he might state that the proposition in question was neither more nor less than a compromise, into which the idea of principle did not enter at all. Some members of the Commission were for fixing the limit at £1,000, others at £3,000, and £1,500 was taken as a compromise. He had intended to support the clause as it originally stood in the Bill, and, if the Government had sought to restore it, he should have held himself bound by what took place in the Commission, and voted for its restoration. But that was not the question before the Committee, for the Government having consented to an unlimited power of probate in the local districts, that question was set at rest. Now the system of Scotch banking prevailed to a great extent on the Borders, and it was very common for a shopkeeper or a small capitalist to confide his money to a joint-stock bank. A man in that position might deposit £1,000, bearing interest in the Carlisle bank, and, at the same time, possess stock to the value of £200. As he understood the clause before the Committee, while the local probate would be applicable to the deposit, it would not apply to the stock, which would require a metropolitan probate. If the local probate would cover the £1,000 deposit, he saw no reason why it should not equally cover the £200 of stock. The practice of the Bank of England, as he understood it, was very sound. The production of the probate elsewhere, whether at a county bank or at the place where railway shares were deposited, was conclusive, and the transfer immediately took place. But that was not the practice of the Bank of England. There greater caution was exercised. The probate was required to be left in their hands, and the parties must act through a broker. Therefore in the Bank of England the probate was tested by a severer scrutiny than in any other banking concern throughout the kingdom. A probate in common form was neither very mysterious nor very difficult. It involved the simplest mode of proof that any one capable of judging of evidence could be asked to institute. Assuming the statement of the hon. Member for York (Mr. Westhead), as to the immense sums constantly passing under probate at Chester and York without fraud or difficulty, to be perfectly accurate, that fact would sustain the opinion of the House that probate to an unlimited extent might be safely allowed in the country. If then the absence of fraud was a justifiable ground for conferring an unlimited power of probate on the local districts, why was it not a justifiable ground for extending the same power to the country registrars in regard to stock? The noble Lord at the head of the Government acted wisely in yielding to the distinctly expressed opinion of the House the other night against limiting the amount to which local probate should extend. The only other question which remained was as to the compensation to be made to the London proctors. He knew not whether those gentlemen thought that this clause would materially affect their claim to compensation; but he had often said, and he now repeated, that a great measure of legal reform ought not to be retarded by the consideration of what was due to the individuals who might suffer from its adoption. Therefore his advice would be to pass this Bill in the form which they believed to be most conducive to the public interest; and if the change operated detrimentally to the London proctors, let their claims be dealt with in a just, fair—aye, and liberal spirit. He trusted he should not be again reprehended by his hon. and learned Friend for what he had ventured to state on this subject. On the whole, he should be sorry if the Government pressed them to a division on this clause. The principle which induced the noble Lord at the head of the Government to give way the other night ought to induce him to give way in respect to this clause; and if this clause were withdrawn, nothing would remain to be considered but the compensation due to the London proctors, which question also, he hoped, would not be suffered to retard the measure.

SIR FITZROY KELLY said, he regretted that they had lost an opportunity for trying the experiment of a fusion of law and equity, by conferring on one great court the power of dealing at once with the questions of common law and equity as far as they came within the scope of its jurisdiction. Although the Bill comprised much that he did not strictly approve, still it was so loudly called for by the country, and contains so many provisions calculated to improve the administration of the law that he would cheerfully concede much for which he would have struggled, had he been adequately supported, in order to secure the passing of this measure in a form that would entitle it to the approval of the House and of the country. With regard to the particular clause under discussion, they were not called upon to consider whether the case of the Bank of England stood upon special grounds, and should be dealt with differently from any other depository of property, but whether the jurisdiction proposed to be conferred on the country District Courts in relation to stock or shares should be altogether taken away. This clause was framed with a view to guard against the danger of fraud or irregularity in granting probate and administration by those courts. But having examined this question attentively, he was convinced that this apprehension of fraud or error, sufficient to justify the introduction of a clause like the present was wholly chimerical. The hon. Member for York (Mr. Westhead), the other evening told them that the country Courts had long dealt with wills affecting property amounting to hundreds of thousands of pounds, and yet that in no one instance had fraud, forgery, or malpractices of any kind been detected so as to throw the slightest doubt on the propriety of conferring unlimited jurisdiction on the country districts. The Bank of England, having under its control £800,000,000 of public property, might justly be considered in a different position to other banks, but not because it was exposed to greater fraud or danger from fraud. It should be remembered also that they were not treating of contentious cases, but only of the ordinary cases which happened every day; and the right hon. Gentleman (Sir J. Graham), had truly stated that there was no difficulty attending the ordinary probate of a will. An unopposed will was taken by the parties interested to a competent person, who looked at it to see whether it had been properly executed and attested according to the Statute. If the Statute had been duly complied with, probate might be granted at once. If there had been any slight error or irregularity the country registrar would know perfectly well how to deal with it. He thought too that the apprehension of danger with respect to this description of property was fallacious. The only forgeries upon the Bank of England were those committed by Fletcher some years ago, which took place through the London Courts; but such things had not been heard of since, owing to the wise measures which were adopted after that event. The change proposed would strike at the very principle of the Bill, and therefore with respect to the clause itself, he was of opinion that it would be better to omit it altogether, and to allow all descriptions of property, with the single exception of trusts, to be dealt with the country Courts. Although it was somewhat in anticipation of discussion on future clauses, he could not help repeating that the Bank of England stood on a totally different footing from any of the institutions, not only on account of the magnitude of its operations, but because it was peculiarly bound by Act of Parliament.

THE ATTORNEY GENERAL said, he hoped the Committee would favour him with their attention for a short time, while he explained how this matter really stood; it would be in the recollection of the Committee that the Bill which he introduced last Session was founded upon a different principle. It was his opinion that all wills should be admitted without limit or distinction, and be received in the offices of the district registrars for the purpose of probate. He sought to combine the principle of economy with that of unity, by requiring that papers when received in the country should be forwarded to the Metropolitan office for registration, a proceeding which would cause but few hours' delay, even from the remotest part of the country, and but little expense. The Bill of last Session was undoubtedly framed upon the principle which the right hon. Baronet the Member for Carlisle (Sir J. Graham) had approved. The House would recollect that he proposed to abolish altogether the distinction in favour of the London proctors, and to open a new and enlarged court with complete powers to deal with all questions of law and equity. He also proposed to give to the London proctors that compensation which they then rejected, but which now, through the medium of the hon. and learned Member for Wallingford (Mr. Malins), they were so desirous to secure. How had that Bill been met! None were so loud in their opposition as the hon. Member for Wallingford and the hon. Baronet the Member for South Lincolnshire (Sir J. Trollope). They asked for a Bill framed on the Commissioner's Report. "Give us that," they said, "and we will support it." Unfortunately he had trusted to that assurance. A Bill was brought in framed upon the Report of the Commissioners, and then, to his utter surprise, the hon. Member for South Lincolnshire, who was the organ of his party upon that occasion, turned round and said there was no principle in the limitation of £1,500. As the hon. Baronet the Member for Carlisle had already stated, the limitation of £1,500 was undoubtedly a departure from the true principle, but, as he (the Attorney General) had stated the other day, it was a sacrifice of principle in order to obtain something which was imagined to possess great good and to be a general benefit. Well, the Bill was drawn upon the footing of that compromise, and when he was, in consequence, pressed in Committee to justify the limitation it contained, he frankly stated that his opinion was then, as now, in favour of a different rule. When, therefore, his noble Friend at the head of the Government, observing that the Committee were of opinion that the limitation was a departure from principle, yielded to the general opinion of the Committee, he was only adopting the course of which he (the Attorney General) had always been in favour. But then there arose this very important question—a question to which he requested the serious attention of the Committee, because they were the guardians of the people of England, and they must give a reason for what they were about to do. They were about to deprive the people of England of a very great protection and a great security; and he would proceed to endeavour to show them how. But then arose an important question, whether the House of Commons, who were the guardians of the people of England, were not about to deprive them of a great protection and security. The hon. Member for York (Mr. Westhead) gave instances of property to a large amount, which, he said, had been proved without question in the district courts, but then the hon. Gentleman, it must be remembered, spoke of the Metropolitan Court of York and the Probate Court of Chester. These were not fair instances, because the Metropolitan Court of York had always had experienced officers and an array of proctors and advocates, and experienced men were also to be found at Chester. He did not wonder, therefore, that wills comprehending property to a great amount had been proved without question in both those Courts. But this Bill established about forty offices in various parts of the country, at any one of which property to any amount might be conclusively proved. There was an extremely technical and minutely-worded law, which laid down an iron rule as to what should be the character of the document to be proved. That document must be examined to see if it corresponded with the rules laid down by the Statute, and that examination required legal skill, great accuracy, and considerable experience. The question, therefore, now to be decided by the Committee was, whether the wills of the people of England were to be submitted to a competent or incompetent tribunal? [*Cries of* "No, No!"] That murmur was unnecessary unless it could be made out to the satisfaction of the House that the single officer whose constant attendance they could never expect to secure, and who would perform his office by an incompetent deputy ["Oh!"], constituted a competent tribunal to decide upon questions of so much importance; for they must remember, that the moment probate was granted, no inaccuracy or insufficiency of the document could be considered. The right hon. Gentleman (Sir J. Graham) supposed that there would be some security by the probate copy being left at the Bank of England. But from the copy of the will, for anything that would appear to the contrary, it would seem that the will had been written without erasure, alteration, or interlineation, and that its attestation was regularly executed and authenticated, every part of it. In short, nothing would appear on the probate copy inconsistent with the supposition that the original document was in conformity with all the provisions of the law, and therefore, this copy would be no protection to any party. A competent judicial officer was required to examine the original instrument, to ascertain that it complied with the law, and to stamp it with the character of a document that ought to be admitted to probate. Now, he (the Attorney General) had no confidence, nor would any lawyer, who had examined this subject, have any confidence that the problem would be always solved by the person to whom this business was committed in the district office. He admitted that he was indebted for a good deal of his present argument to his hon. and learned Friend (Mr. Malins), when he vindicated upon a former Bill the right of the London proctors to compensation. Times were now changed, and with them were changed the mind, judgment, and arguments of his hon. and learned Friend. He, (the Attorney General) was afraid that if the Bill passed without his proviso, the House and the country would ere long be startled by the discovery of some great frauds, and the House would then discover that it had subjected the probate to a most insecure and unsafe test of examination. This was the warning that had been given by every experienced person who had been examined before the Commissioners, and they had arrived at the conclusion that all wills ought, for greater security, to be proved in the Metropolis. This principle had been departed from in wills of small amounts, limited to £1,500. He had no particular feeling on the subject, but he should be glad to bring back the Bill to the form which his hon. and learned Friend (Sir F. Kelly) and himself had endeavoured to embody last year in the Bill which it was found impossible to carry. But if the Committee adhered to its decision, he (Sir R. Bethell) was undoubtedly driven to this admission—namely, that he could not point out any distinction between a will which would affect £5,000 worth of stock transferable in the country and £5,000 transferable in the metropolis. The distinction he had endeavoured to draw the other day was, between property which could be got possession of instantly, and without any overt act, and property which could not be realized except through the medium of a public sale—a distinction, in short, between funded stock or share property and agricultural stock or produce. The Committee did not seem disposed to abide by that distinction, and accordingly it had now been proposed that the line should be drawn between property which required an act to be done in London and property the transfer of which might be completed in the country. The distinction was not, perhaps, justified by the principle of the Bill, but it was necessary to draw the line somewhere, and it was probable that some cases on each side of the line might approximate very nearly together. Where parties, acting upon the will, must come to London to obtain and realize the property, he thought there would be no hardship or difficulty in saying that the will must be brought to London to be proved. These were the grounds upon which the Government, giving up their own opinion upon the details, had adopted the principle laid down in the Report of the Commissioners, from which the Committee had departed. The question now was, whether the Committee would make the country probate give a title to every description of property, or whether they would require the protection of a Metropolitan Court in certain cases. That was a proposition which it was for the Committee to decide, and there could be no doubt that it was one which very greatly affected the interest of the country. Far be it from him to use any language that might be represented as intended to intimidate the Committee; but he could not refrain from observing that this great radical change must be accompanied with other changes in the Bill,—changes so great as to place the measure in imminent peril, and probably render it impossible to carry it in another place.

SIR JAMES GRAHAM had listened with the utmost anxiety to the Attorney General, and with an earnest desire to be guided by him in the vote which he was about to give; but he must say he had left him very much in doubt. He had said something about not wishing to intimidate the Committee—an idea which he (Sir J. Graham) was sure he never entertained, when he stated that the rejection of this clause might lead to the withdrawal of the Bill; but he thought it would be the duty of the hon. and learned Attorney General, occupying the high station he did as counsellor to Her Majesty on all questions of Law Reform, if he was of opinion that the decision which the House arrived at the other evening would have the effect of transferring from competent Judges and competent Courts to incompetent Judges and incompetent Courts the business connected with the probate of wills, to arrest at once the progress of that Bill—not with the view of intimidating the House, but in the simple discharge of his duty. More than that, he would say that the noble Lord at the head of the Government, naturally consulting the Attorney General, ought not to have given way on a former occasion when this Bill was before the

House. The very arguments which the hon. and learned Attorney General had used with reference to the character and extent of the property involved, were the arguments that in the Commission prevailed with him to limit the amount of probate in the local Courts. Those arguments were deduced from the evidence taken before the Commission, and in his mind they were conclusive against the decision which the House arrived at the other evening. He was quite at a loss to know whether it was the intention of the hon. and learned Attorney General to press this clause. From those very arguments, drawn from the Report of the Commission, on which the hon. and learned Attorney General relied, he (Sir J. Graham) was prepared not to have given way on a former evening, and to vote for the restoration of the clause to its original form ; but the Attorney General deliberately refrained from taking that course, and the noble Lord at the head of the Government consented to adopt the decision of the House. That night the Attorney General, after full deliberation, had told them that the effect of the decision of the House with reference to property of an immense amount, in which the people of England were deeply interested, would be to transfer it from competent to incompetent judges. The Attorney General might not wish to intimidate the House, but such a statement, from so high an authority, was most alarming, and therefore he wished to know positively what course he intended to pursue. If the learned Attorney General thought there was any danger in transferring these powers to the local courts, if he thought the measure had been destroyed or rendered absolutely prejudicial and dangerous, then he ought to give effect to that decision, and no longer press the Bill upon the House, for they had arrived at a time when the Government ought to adopt a decided line on this subject.

MR. HENLEY observed, that he shared in the surprise expressed by the right hon. Baronet with reference to the language of the hon. and learned Attorney General, though he could not at all agree with him that the tribunals to which they were about to give so much authority, at all merited the language which the hon. and learned Attorney General had used towards them. In the Commission he never was satisfied with the propriety of the limit to £1,500. The right hon. Baronet said the evidence on that subject satisfied him ; but there were seventeen witnesses examined before the Commission, and sixteen of them were proctors and other persons connected with the London Courts, while not one witness was examined from the country. No doubt, if they took the opinion of the London professional gentlemen, every mother's son of them would say that the country Courts were not equal to the duty. In the Commission the right hon. Baronet (Sir J. Graham) wanted to give the new court all the powers both of a Court of construction and a Court of Probate, and he wished to carry it into the Court of Chancery ; but his hon. and learned Friend (Sir. F. Kelly), who equally wanted it to be a Court of construction, would not have the Court of Chancery at any price. That was a matter which they might settle between them ; but while they were settling it the country never would get an amendment of the law. For his own part, he did not see that it was important that the Court of Probate should be also a Court of construction ; for the question of will or no will, and those with respect to the rights of the legatees, arose between different parties. Before they were driven to vote for this clause they ought to know the opinion of the Government more distinctly than they did at present. He could not understand why if a person was competent to pass a will for property of any amount, property in shares should be excluded from his supervision. He denied that the parties who would have to deal with that and other kinds of property were incompetent, as described by the hon. and learned Attorney General.

LORD JOHN RUSSELL remarked that, like his right hon. Friend (Sir J. Graham), he also was somewhat embarrassed by the speech of the hon. and learned Attorney General. His right hon. Friend said in a former speech that this Bill ought to be settled in the manner most advantageous to the public, and that if compensation was afterwards to be found due, that should be a matter for future consideration. In that he entirely agreed. He did not think that for the sake of the London proctors they ought to make the Bill so different to what the public interest required. But then the difficulty was with regard to the line which the Attorney General wished to draw with respect to the funds of railway companies. He could understand the argument that the district registrars were incompetent, and therefore ought not to have any amount of property committed to their charge; but, if it were admitted that they were competent to deal with large sums of money, he could not comprehend why it was that they should not be held equally competent to dispose of questions which affected railway property in London. The Attorney General, indeed, seemed towards the latter portion of his speech to have leaned to the opinion that the District Registrars were incompetent, and that they ought not upon that account to have under their control money lodged in the Bank of England or invested in railway stock; but, if that were so, upon what good ground could the great mass of other property be committed to their hands? The hon. and learned Gentleman had further observed, that he wished to draw a line between property which could be sold only by public auction and that which might be transferred by mere writing; but if he were to draw that line, then, as the hon. Member for Wallingford (Mr. Malins) had remarked, a balance placed in a banker's hands, whether in London or elsewhere, would come under the operation of the principle for which the hon. and learned Gentleman contended. The hon. and learned Gentleman, however, did not propose to include property of that kind, whatever might be its amount, within the provisions of his Bill, but allowed it to be disposed of by those very persons upon whose competency he cast a suspicion. He (Lord J. Russell), under those circumstances, felt that there existed many obstacles in the way of his agreeing to the clause as it stood. Whether the Attorney General could make out any special case with respect to requiring metropolitan probates for the £800,000,000 in the funds was another question. The hon. and learned Gentleman did not appear to have laid much stress upon the clause in that respect, and indeed had spoken of his own proposal in such terms as rendered it extremely doubtful whether he himself could, with any degree of consistency, vote in its favour.

VISCOUNT PALMERSTON said, it had been asked what the opinion was which the Government entertained with respect to the competency or incompetency of the district registrars? Now, that was a point which the Committee had already decided, and although Her Majesty's Ministers would have preferred an arrangement different from that at which the decision of the Committee had compelled them to arrive, yet deeming the Bill to be one of a very useful and valuable character, they had deemed it expedient to concur in that decision rather than that the Bill should be thrown overboard. The point that evening under discussion was, whether the Committee should agree to the clause which his hon. and learned Friend the Attorney General proposed, as it stood, or whether they should confine the metropolitan probate to stock in the Bank of England; in short, whether they should adopt the clause of his hon. and learned Friend or that which the hon. and learned Member for Suffolk had submitted to their notice. Now, he might be permitted to observe that it would test the ingenuity of any man living to perceive any well-defined distinction between both propositions. The fact, indeed, was, that they were not the only propositions that had been laid before the Committee, as the utmost variety of opinion upon the subject under discussion appeared to prevail; in fact, there were almost as many opinions as persons. All the schemes which had been pressed upon their attention were perhaps open to considerable objection; but, so far as he was concerned, he should be prepared to agree to a clause by which district probates should be made applicable to every species of property, except stock in the Bank of England, and East India Company stock, and that for the transfer of these stocks metropolitan probate should be requisite, not that the country probate should be invalid altogether. If the will applied to stock in the Bank of England or East India stock, it would be valid for other property; but that for the transfer of these stocks it should be necessary to have a metropolitan probate.

MR. MALINS said, he wished to express his astonishment at the circumstance, that the Attorney General should in the name of the Government have stamped the district tribunals with incompetency. If such were the opinion which Her Majesty's Ministers really entertained, then it was their duty, as had been pointed out by the right hon. Member for Carlisle (Sir J. Graham) to withdraw the Bill altogether.

THE ATTORNEY GENERAL said, he rose to state that he should consent to the withdrawal of the clause, and that he should be prepared at a future stage of the Bill to bring up another clause based upon the proposition of his hon. and learned Friend the Member for East Suffolk (Sir F. Kelly), and merely exempting from the operation of county probates stock in the public funds. He thought it better to take that course than to put the Committee to the trouble of dividing.

Clause *withdrawn.*

The ATTORNEY GENERAL then moved the substitution for Clause 51 of a clause to the effect that any parties who, under the operation of the Bill, might be dissatisfied with the decision of a County Court Judge, should have a right of appeal from that decision to the new Court of Probate, instead of the superior Courts of Common Law.

Sir FITZROY KELLY said, he did not rise to object to the proposed clause, but to ask the Chairman whether it ought to be entertained before the clause which he had announced it to be his intention to submit to the consideration of the Committee in lieu of that which had just been negatived?

The CHAIRMAN: It has always been the practice in Committee of the whole House to give precedence to those clauses, which have been brought up by the promoters of the measure, in which it is intended they should be embodied.

Mr. ROLT said, he was anxious to know whether the clause which had been proposed by the hon. and learned Member for Suffolk was to be discussed while the Bill was still in Committee, or at a subsequent stage?

The ATTORNEY GENERAL: It is my intention to bring up a clause, carefully expressing the objects which the hon. and learned Member for Suffolk seeks to attain upon the Report.

Mr. MOWBRAY said, he hoped the hon. and learned Gentleman would give the House due notice as to the precise nature of the clause before it was laid before them.

Mr. CAIRNS said, that if he understood the hon. and learned Attorney General, his proposal was that a clause which went to the very root of the Bill should not be discussed until the Report. Now, such a course appeared to him to be fraught with so much inconvenience that if such were the intention of the hon. and learned Gentleman he should move that the Chairman report progress. There were other clauses in the Bill, such as the compensation clauses, which could not be properly discussed until the relative positions between the Metropolitan and District Courts had been established, and he thought it would be better to postpone the further consideration of the Bill until the Government had made up their minds upon that subject.

Motion made that the Chairman do now report progress, and ask leave to sit again.

The ATTORNEY GENERAL said, that he could have no object in postponing the discussion upon the clause of the hon. and learned Member for West Suffolk, and if the Committee considered that the discussion might then be advantageously taken he would offer no opposition to such a course.

Viscount PALMERSTON hoped that the hon. and learned Gentleman would not press his Motion.

Motion by leave *withdrawn*, and Clause *agreed* to.

A clause was then agreed to, providing that in case Sir John Dodson, the present Judge of the Prerogative Court of Canterbury and Dean of the Court of Arches, be not appointed the first Judge of the Court of Probate, there shall be paid to him during his natural life, as well by way of retiring pension as of salary as Dean of the Court of Arches, the net yearly sum of £2,000, to commence from the time appointed for the coming into operation of this Act, and to be paid out of the fund and in manner herein provided for the payment of compensations.

Sir FITZROY KELLY then moved that the following Clause be inserted before Clause 42:—

"No probate or letters of administration granted by any district registrar shall be of any force or effect so far as relates to any stock transferable at the Bank of England or the East India House, unless and until the same shall have been sealed with the seal of the principal registrar of the Court of Probate in London; and such probate and letters of administration, when so sealed, shall be of the same force and effect as if originally granted by the said Court of Probate; and it shall be lawful for the principal registrar of the said Court of Probate, and he is hereby required, unless good cause be shown to the contrary, to seal all such probates and letters of administration, upon application made to him for that purpose, by or on behalf of the executor or administrator therein named."

He could assure the Committee that the clause was not one for the benefit of the Bank of England but for the benefit of the fundholders. The public funds were administered by the Bank of England, under divers Acts of Parliament, which compelled the Bank to act under different rules from those which governed other institutions. The Bank of England was bound to act on the probate when it had been once granted, and until recalled, notwithstanding any notice it might have received that the will was a forgery, or that administration had been improperly obtained. All that the

Bank of England had to do was to see that the probate was genuine. It had nothing further to do with the will whether it was a forgery or not. The Bank, therefore, had no power to obtain any indemnity as railway and other companies had. The object of the clause, then, was to enable persons to prevent the Bank of England from acting under a genuine probate when the validity of the will itself was questioned, and thus to afford security to fundholders. There might be some question as to the process by which this counterseal could be obtained; but, for his own part, he thought it would be better to leave that matter to be regulated by the rules and orders which under this Bill were to be made by the Judges.

MR. MALINS said, he believed that the clause was altogether void of substantiality. Its principle was that a country probate should not be good for India stock or for Government stock. If it were not to be substantial in its operation it would be a mere form and waste of labour; if it were to be substantial it would amount to a reconsideration of the will and a double probate. The total number of probates for England and Wales was, upon an average, 25,000 a year. All the wills affecting the public funds—that was, all those taken to the Bank of England, in the year, affecting the transfer of public funds—did not exceed 4,000. No one could say that that great establishment would be embarrassed by considering twelve probates a day, which would be the average number. The question really involved was whether the District Courts were competent tribunals or not, and if they were competent he contended that they must be trusted, and trusted to the fullest extent. It appeared to him perfectly ridiculous to say that if a country probate were sent up to the Bank of the hon. Member for Kendal (Mr. Glyn) for £30,000 or £50,000, he must transfer the amount as directed, but if the same probate were sent up for £500 three per cent. stock it would go for nothing and the will must be proved over again. For these, amid many other reasons, he should oppose the clause.

MR. WIGRAM said, he should support the clause, because he was persuaded that under the new system, in spite of their utmost precautions, two probates might be issued, and then there would arise a question as to which of the two was the valid one. Suppose a man left two instruments, one leaving his stock to the widow and the other to his son. The widow rushed to Durham and obtained probate, and the son posted off to York and obtained probate. In such a case he believed that the first probate granted would be the valid instrument in the eye of the law; but still the person who obtained the second probate might get up first to the Bank of England and might procure the transfer of the stock. He believed that that transfer would be invalid, and it appeared to him that the clause proposing a metropolitan probate would obviously guard against such a contingency, because the Metropolitan Court would not affix its seal to more than one instrument. On behalf of the public, then, and not looking to the interest of the Bank of England, he thought that the protection proposed was reasonable, and ought to be granted. If, however, the clause were not agreed to, it seemed to him, in reference to the class of cases referred to, that it would be desirable to introduce into the Bill an indemnity clause. If he received any encouragement from the Government, he would propose a particular clause with that view.

MR. WEGUELIN said, that the accounts of the Bank of England in connection with the public funds were greater than the accounts kept by any other body, and amounted to about 250,000, belonging to persons scattered all over the world. The only risk the Bank of England ran in respect to acting on probates was this, that the person whose will was brought before them with probate attached might be still alive. It was, therefore, he thought, necessary that the Bank should not only have proof of the will, but also of the death of the person whose will was supposed to have been proved, for, otherwise, he might claim to have his stock restored. Considering the number of accounts which the Bank of England had connected with the public funds, a distinction ought to be drawn between their case and the case of any other body or individual; and the public creditor had some claim that his security in all respects should not be altered without his own consent. There had been a certain amount of security in dealing with the public funds in this and other respects, and it was hardly fair that it should be altered.

MR. CAYLEY remarked, that he thought that the hon. Gentleman had given a most potent reason in favour of a local probate. He hoped that the present Bill would pass.

MR. CAIRNS said he was not satisfied

with the reasons of the hon. Member for Southampton (Mr. Weguelin). The Bank of England wanted protection from only one danger, that of the party supposed to be dead turning up on a future day; and this clause did not give it. The Bank, in point of fact, had the means of protecting themselves in their own hands. By this Bill they were constituting forty-one distinct courts over the country, every one of which was to have a separate seal. In order to enable the Bank of England to know all those seals they were in effect saying that every probate should be brought up to London, and that the Bank of England should have a voucher proving that the seals were the proper ones that should be affixed. He wanted to know what right the Bank of England had to this protection more than any other body. Why should not the London bankers generally demand the same protection? If any establishment had the proper staff for their own protection it was the Bank of England. He considered that the proposed clause rendered necessary a proceeding which would be either an idle ceremony, for which, however, a fee must be paid, or, if it were meant that the proceeding should be substantial, it would amount to a second probate, necessitating the reinvestigation of the whole case at considerable expense.

The ATTORNEY GENERAL said, the effect of the clause would be that if the estate of a testator comprehended funded property, and the will had been proved in a District Court, it must be brought up to London to be again inspected, in order that probate might be confirmed in the Metropolitan Court. Such a course would be attended with considerable delay and expense, but it was for the Committee to determine whether or not they would give their assent to the clause.

Clause *negatived.*

The House resumed.

Committee report progress: to sit again on *Thursday.*

REFORMATORY SCHOOLS BILL..

THIRD READING.

Order for Third Reading read.

Mr. ALCOCK observed, that when the Bill was last under discussion, it was represented as entirely a voluntary, and not a compulsory measure. It was, however, a voluntary Bill only so far as ragarded the 12,000 or 15,000 magistrates of England, while it was compulsory so far as 3,000,000 or 4,000,000 ratepayers were concerned. He believed that if the Bill were passed, its tendency would be to discourage the support of existing Reformatories.

Mr. WARREN said, he should support the Bill as one which effected an excellent compromise.

Mr. KNATCHBULL-HUGESSEN said, he objected to the increased pressure upon the county-rates which would be occasioned by the measure.

Bill read 3° and *passed.*

CLERKS OF PETTY SESSIONS (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

Mr. BAGWELL complained that there had been no time to send this Bill to Ireland for consideration.

Mr. G. A. HAMILTON said, the Bill had been introduced at the request of many hon. Members from Ireland. He thought, therefore, the House ought to affirm the principle of the Bill, after which it would be competent for hon. Members to consider whether the measure should be proceeded with this Session.

Mr. MACARTNEY remarked, that he thought the Bill would prove a very useful one.

Bill read 2°, and *committed* for *Friday* at Twelve o'clock.

POLICE (SCOTLAND) BILL.

SECOND READING.

Order for Second Reading read.

In answer to Mr. Craufurd,

The LORD ADVOCATE said, there had been a meeting of the Scotch Members that day on the subject of the Bill, the result of which was that he had determined to omit the superannuation clauses, which were generally looked upon as unnecessary. Some other modifications and alterations had been resolved upon, which he would explain in Committee.

Bill read 2°, and *committed* for *Friday* at Twelve o'clock.

CHELSEA NEW BRIDGE BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a Second time."

Mr. ALCOCK said, he must characterize this measure as a miserable attempt at a compromise. It was an atrocious thing to put a toll on a new bridge in London. The Bill merely proposed to exempt foot passengers, and in Committee he should move the exemption also of carriages and horses. Instead of imposing new tolls, they ought rather to endeavour to get rid of the existing tolls over all the bridges in Surrey and Middlesex, which might be done by imposing a rate of three farthings in the pound upon those two counties. Such a rate would free all the bridges on the river, from London Bridge to Staines.

Sir BENJAMIN HALL submitted, that it would be absurd to have a large park at Battersea, and that the inhabitants on the opposite side of the Thames should have no means of getting to it. There was a property belonging to the Crown on the south side of the river consisting of ninety-five acres of land, which he was certain would be greatly improved in value by the bridge in question. He would add, that the money for building the bridge was furnished by a Vote of the House of Commons.

Lord JOHN MANNERS said, the money for building the bridge was advanced by Parliament on the understanding that it was to be defrayed by the tolls on the bridge, but it was never contemplated to place such a large sum upon the finances of the country. He did not approve of the attempt to subvert the original understanding on which the bridge was built, and he would decidedly enter his caveat against such a dangerous principle ; at the same time he should not oppose the particular proposition.

Mr. MALINS reminded the House, that no less than £120,000 had been granted for the erection of this bridge on the faith that it was to be repaid by the tolls. Besides, Vauxhall and Battersea bridges, which were in close proximity to the new one, were subject to tolls, and if the necessity for abolishing the tolls was urgent in one case, why not apply it in the others? He admitted that it was highly important in general to have free bridges ; but he would remind the House that Battersea Park was intended for the accommodation of the population on the south side of the river, and not of that on the north side. Unless, therefore, the right hon. Gentleman (Sir Benjamin Hall) was prepared to go to the full extent of abolishing the tolls on Vauxhall and Battersea bridges, he should divide the House against the second reading of the Bill.

Sir DENHAM NORREYS said, he regarded this proposed exemption of foot passengers from toll as an attempt on the part of the First Commissioner of Works to introduce the thin edge of the wedge, and that next year they would have him coming to Parliament to claim a similar exemption in favour of carriage traffic, on the ground that such exemption would enhance the value of some ninety-five acres of land on the south side of the river.

Mr. MAGUIRE said, he could not refrain from stating the way in which Ireland had been treated in a matter of this kind. In 1853, the principal bridge in the city of Cork was destroyed by a flood, and with it thirteen human beings, besides property of the value of £20,000. The citizens of Cork raised £3,000 by a public subscription to relieve the families of those who had suffered from the calamity, and it cost the city an enormous sum of money to pin up the tottering bridge. A few days ago some gentlemen called on the right hon. Gentleman the Chancellor of the Exchequer and showed him how £60,000 had been sacrificed in one way and another from that cause. They asked him for a small sum of money in the shape of a grant to defray the loss, but not a single farthing could they get from him. That was the way in which Irishmen were treated in that matter. They could get no grant from the Consolidated Fund for the purpose he had mentioned, but in the case before the House a toll was put on a bridge for recouping the Consolidated Fund for the money expended on its erection, and now the very men who were parties to that arrangement proposed to weaken the security on which a large sum of public money was advanced. He protested also against the injustice by which the Crown quit-rents of Ireland were expended, not in Ireland, but upon the embellishment of London.

Mr. CROSSLEY said, he thought if the land was to be so much increased in value, the land-owners ought to be made to pay for the bridge. In the country they had to pay for their parks and their bridges, and it was too much to call upon country Members to assent to a Bill that was to tax their constituents for giving those advantages to the inhabitants of London out of the public purse.

Viscount PALMERSTON said that, as had been stated by his right hon. Friend

(Sir Benjamin Hall), there was land attached to the park which belonged to the public, and would be increased in value by the formation of the park, as well as by the abolition of the toll upon the new bridge. The sale of the land would, in all probability, repay the whole expense which had been incurred. The public having gone to the expense of forming this park professedly for the benefit of the lower classes, the imposition of a toll on the bridge would exclude them from the enjoyment of the park, and therefore militate against the object which Parliament had in view in voting a large sum of money for its construction. It was quite a mistake to say that the public on the north side of the Thames would not enjoy the benefit of the park. There was a large population there of the labouring classes, and if a working-man with his wife and family had to pay a toll in going and returning, the proposal of making the park for the use of this class of the community would be a mockery. He therefore hoped that the House would assent to the Bill, and thus take off the toll, which, if imposed, would have the effect of excluding the lower classes from that rational amusement which it was intended should be given to them by the establishment of Battersea Park.

MR. BENTINCK said, this was one of the most extraordinary propositions ever made to the House. He looked upon it as a distinct breach of faith with the House and the public. As much as £120,000 had been spent upon the bridge, and Parliament would never have granted that sum except on the security of the tolls which it was now proposed to abolish. He moved that the Bill be read a second time that day three months.

Amendment proposed to leave out the word ("now") and at the end of the Question to add the words ("upon this day three months.")

MR. P. O'BRIEN said, he would second the Amendment of the hon. Member for Norfolk. They ought to know where this kind of expenditure was to stop.

MR. T. J. MILLER had no interest in the abolition of the toll, but he was sure that the value of the ninety-five acres of the land to be sold would be more than sufficient to make up for the toll.

MR. BONHAM-CARTER wished to know whether it was the intention of the right hon. Gentleman the President of the Board of Works to refer this Bill to a Select Committee, according to the usual practice of the House?

SIR BENJAMIN HALL observed, he did not consider it necessary to refer the measure to a Select Committee. It consisted of one plain clause, which provided for the remission of tolls paid by foot passengers. The ninety-five acres to be sold would pay for the toll.

LORD CLAUD HAMILTON said, the Bill involved the breach of a solemn bargain, by which the public money had been obtained to build the bridge. The Government did not pledge themselves that should their anticipations of profit for the land not be realized, the public should not suffer. It was a deliberate attempt to relieve certain classes at the expense of the public. He represented a constituency who paid tolls for their bridges, because they were honest, and never came whining to Parliament for relief.

MR. ALCOCK said, that he could not consent to these tolls being taking off at the expense of the public, but he was sure than any one who took the land in question would find it a good speculation, besides paying a compensation for the tolls.

MR. HENLEY said, there was some force in the suggestion that had been made, that the Bill should be referred to a Select Committee. The Bill was, no doubt, as the right hon. Baronet said, a very small one, but it involved a very large principle. It ought to be recollected that the conditions under which this bridge was to be built were very special. If the Bill were referred to a Select Committee evidence should be required as to the improvement which it was said would be effected upon the property adjoining the site of the bridge. It was quite clear that if taking off the passenger toll would improve it, it would be still further improved by taking off the carriage toll. If, then, this Bill were agreed to, a foundation would be laid for a further step hereafter with respect to the carriage toll. The abolition of both passenger and carriage tolls would no doubt be an advantage to the Metropolis, and he submitted that the Metropolitan Board of Works should tax the whole of the Metropolis to purchase that advantage. The counties paid for their bridges, and so ought the Metropolitan counties to pay for their bridges.

MR. WYLD said, one of the results of modern legislation had been to drive a large portion of the working classes of the Metropolis from the northern to the southern side of the Thames. At this moment there was a working population exceeding 35,000 between Westminster and Vauxhall. The scattering of the working population which had been pent up in crowded and miserable dwellings on the north side of the Thames was conducive to its morality, and he believed that the small tax which the abolition of the toll on Chelsea bridge would impose on the country, would be more than counterbalanced by the reduction which it would effect in the general taxation for the punishment of crime. Battersea Park would be comparatively valueless unless the access to it were without toll.

MR. HUDSON said, he thought that the people of the Metropolis ought to imitate the example of the people of York, who got rid of the toll on one of their bridges some years ago, by subscribing among themselves the funds necessary to purchase the fee simple of the tolls. Those hon. Gentlemen who had professed such desire to improve the condition of the working classes might, if such a subscription were started in London with regard to Chelsea bridge, prove the sincerity of their professions.

Question put "That the word 'now' stand part of the Question."

The House *divided*:—Ayes, 94; Noes, 74: Majority, 20.

MR. BONHAM-CARTER moved that the Bill be referred to a Select Committee.

SIR BENJAMIN HALL said, he would not oppose the Motion.

Main Question put, and *agreed to*:—Bill read 2° and committed to a Select Committee.

On the next Order of the Day being read,

MR. COX moved that the House do now adjourn.

SIR GEORGE GREY hoped that the hon. Member would allow the House to dispose of the remaining orders.

MR. BRISCOE said, the present system of midnight legislation was giving great dissatisfaction out of doors. He therefore hoped the hon. Member for Finsbury would persevere with his motion.

MR. COX observed, that it was partly out of consideration to the Speaker that he had made the Motion; it was nearly half-past one o'clock, and the House was to meet again at twelve o'clock this day (Tuesday). On the understanding that no opposed orders would be taken, he would, with the consent of the House, withdraw his Motion for adjournment.

Mr. Wyld

Motion by leave *withdrawn*, and the order proceeded with.

SLIGO BOROUGH ELECTION.

COMMITTEE.

SIR GEORGE GREY said, he rose to move to nominate the Select Committee on Mr. Somer's petitions, as follows:—Lord JOHN RUSSELL, Mr. ATTORNEY GENERAL, Sir JAMES GRAHAM, Mr. ATTORNEY GENERAL for Ireland, Sir FREDERIC THESIGER, Mr. BAINES, Mr. BUTT, Mr. ROEBUCK, Mr. G. A. HAMILTON, Mr. GREGORY, Mr. HILDYARD, and Mr. WARREN.

MR. WHITESIDE said, that an elector for Sligo having been refused the right to vote, he brought an action against the returning officer, and recovered £100 damages; and a Committee of that House had been appointed to inquire into the conduct of the Judges, the counsel, and all the parties concerned in the trial. The practice of that House deciding by Resolution on the law of the land was highly objectionable.

SIR GEORGE GREY assured the hon. Member that the Committee had been agreed to by the Government, in order to avoid coming to a hasty decision upon the matter.

Motion *agreed to*.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, July 21, 1857.

MINUTES.] PUBLIC BILLS.—1ª Transfer of Real Estate Simplification; Reformatory Schools; Attornies and Solicitors (Colonial Courts).

3ª Crowded Dwellings Prevention; Turnpike Trusts Abolition (Ireland); Transfer of Real Estate Simplification.

TRANSFER OF LAND.

BILL PRESENTED AND READ, 1ª.

LORD ST. LEONARDS, in rising to draw attention to the measures proposed for facilitating the transfer of land, and to lay on the table a Bill for simplifying titles to land, said that every owner of property must feel deeply interested in the subject. What their Lordships were desirous of accomplishing, as far as he understood it, was to unite the simplicity of the common law of the transfer of property with the benefits in the complications which had been introduced in later times in the ordinary settlements of property. The problem to be solved was whether that could be done. He believed it would be found quite impossible to avail themselves of common law simplicity of transfer, and at the same time to preserve that power which this beyond all other countries enjoyed—namely, that of settling property upon their children, of providing portions for their younger children, of giving power to sell, exchange, or lease that property, and at the same time to retain to themselves (the settlers) the ownership of that property during their lives, without any man interfering with that power. There was no other country which possessed the same power; there was no other country in which a man could settle his property upon himself and upon his family, and yet enjoy that property without impediment during the whole of his life. The question had been raised in the Report of the Royal Commissioners, to which he should presently draw their attention, whether, if there were any incongruity between the marketability, as it was called, of estates and that right of settlement, the latter should give way. It was said that there was no incongruity, and that even if there were, looking at the old rule of law which required that there should always be a tenant in possession to answer the feudal service, and considering that that was a necessity required under the feudal law, the spirit of commerce now required for its own purposes that there should always be a representative of the fee of every man's estate, to enable him to carry it into the market. That idea had been carried so far that it was proposed that a certificate of title should be as negotiable as a bill of exchange, but he trusted that no title to land would ever be put on that footing. There was an essential distinction between real and personal estate which it was impossible to remove. The owner of a quantity of stock, if he required a sum of money for a given purpose, had only to sell a part of his stock; whereas the owner of real estate could not sell off a part of the property, but must raise what money he wanted by mortgage upon the whole of the estate. In the case of land, therefore, as the owner went on borrowing the encumbrances increased, and the difficulties of transfer necessarily increased with them. If, then, they preserved to the owners of land the power of dealing with it in the manner he had described, it was impossible they could extend to land the same facilities for immediate and simple transfer as existed in regard to the sale of stock or shares. The common law applicable to this subject was simplicity itself. No land could be transferred at common law without a charter of infeoffment and livery of seisin where the possession was vacant, or where there was a tenant in possession, a deed of grant with the attornment of the tenant. Having described the formalities incident to the delivery of seisin, the noble and learned Lord referred to the expedients formerly adopted by those who wished to dispose of their land secretly and not to make their titles public. The practice grew up of leaving the legal right to an estate in one man and the beneficial interest in another. Hence the doctrine of uses. Many statutes were passed in early times to meet the evils which this system engendered, and finally a statute was passed in the reign of Henry VIII. to restore the principle of common law; it was provided that where one man was seised for the use of another the seisin of the man so seised should go to the person who had the use. Another Act was passed requiring all bargains and sales of the freehold to be enrolled. The intention was to have a legal tenant only, and to allow the property to be transferred solely by deed enrolled. But this statute, however wisely designed, literally fell to the ground, and it had no other operation than as a simple mode of conveyance. By an ingenious contrivance the principle was transferred, by a deed executed in chamber, without the necessity of livery of seisin, of attornment, or of enrolment. What were in old times called uses became the same as trusts, and equity executed those trusts which could not have effect given to them by law as uses. This result should teach the Legislature how vain it is to attempt to run counter to the general wish and determination of the people. Men were determined to transfer their estates privately, and to vest the legal estate in one person and the beneficial interest in another, and this they accomplished in direct opposition to a statute which intended to abolish uses and to require transfers of estates to be enrolled. In regard to the safety of purchasers both the Judges and the Legislature were in every period anxious to protect them. Many ancient rules of property law were said by the Judges to have been instituted to protect the rights of purchasers. Several statutes were passed to protect purchasers from fraudulent deeds. So great was the anxiety of men to secure their right to their landed possessions that, in order to obtain a good title, it was not an uncommon thing for a person to raise an action at law with a view to bring his title before a court, and then to compromise the matter with his antagonist. This plan of levying fines used to be a great protection to purchasers, because every man having a present right must have claimed it within five years after proclamation, or, having a future right, within five years after he became entitled, or be debarred from it for ever. However, the system of fines had been swept away by legislation. The protection afforded by terms of years had been also removed, as it led to expense in conveyancing and on sales, and in other respects caused great difficulty and dissatisfaction. He must ask the House to bear in mind that by recent acts of the Legislature purchasers have been deprived of the speedy means of barring adverse rights by a fine with proclamations, and also of the protection from concealed encumbrances still in force, which was afforded by an old term of years, assigned to a trustee for the purchaser to protect and defend the inheritance. The courts of equity had established a rule very conducive to honest dealing, but which led to a great difficulty—viz., the doctrine of notice. If a man had notice of an equitable right at the time of purchasing an estate, he was not to be defended against that right. Where a notice was express, few would desire to see the law altered. But courts of equity held that an implied notice was just as powerful as an express notice, and he could give their Lordships many instances of the injurious extent to which the doctrine of implied notice was sometimes carried against a purchaser. The legal difficulty that pressed most heavily upon purchasers was the possibility of concealed settlements. From his large experience, however, he could say with confidence that a concealed settlement very rarely occurred, and yet to guard against such cases great and permanent injury was sometimes inflicted. Then, if a suit in equity were pending relative to an estate at the time of its purchase, the purchaser, although he might not know of the suit, was bound by everything that took place in that suit, upon the ground that every man was supposed to know what was taking place in a court of justice. And yet a decree which finally settled all rights is not deemed implied notice. At this time of day nothing would be more absurd. The expense of making out a title to land proceeded in a great degree from the circumstance that men were indisposed to place confidence in the respectable legal advisers by whom an abstract of title might but a few months previously have been investigated for the person from whom the purchase was about to be made. If men were to place more reliance upon the abstract thus prepared for the party by whom the sale was effected they would be under no necessity of consulting legal advisers of their own, and a considerable outlay would thus be avoided. He might add that he himself, acting upon that principle, had sold several lots of land with respect to which he had declined to enter into any contract for title with the purchasers, and had simply presented them with the abstract of title which he himself had originally obtained, and on the faith of which he had purchased the property, and the purchases were all completed without delay, and without putting him to a shilling of expense. But it was urged that there might be concealed encumbrances to which lands were liable, and in order to obviate the injustice to which the want of knowledge that such encumbrances existed might give rise, it had frequently been proposed that a system of general registration should be adopted. The promoters of that scheme, however, had never been able to carry it into effect, and he must, for his own part, say, that any such plan would be likely to be productive of much greater mischief and expense than the law even as it now stood. The subject was one which a Commission had been appointed to consider, and, if he were at all disposed to object to the recommendations which were embodied in the Report of that Commission, he begged at the same time to assure their Lordships that nobody could entertain a higher respect for its members, of whom his right hon. Friend (Mr. Walpole) was at the head, or for the ability and learning by which the Report was characterized. The last Bill for establishing a general registrar went down from this House shortly after his noble and learned friend on the woolsack took his seat there and was introduced by him. The same Bill had in a former Session or two passed this House. When last introduced he had the misfortune to differ from all his noble and learned friends. But in the other House, the Bill met with no favour, and a Commission was issued to consider the subject. It is a simple question of profit and loss. The establishments, maps, &c.—for after all there were to be maps although the Commissioners report against them—would cost millions. The maps for the tithe Commission have already cost £2,500,000. Let noble Lords bear in mind that whatever share of the expenses may fall on any individual, the landed interest, as a body, must bear the whole of the vast expense of the proposed register if established. The Report of the Commissioners advocated the adoption of what was called a register of titles, under the operation of which system it was provided that there should be always upon the register of lands a registered owner, who was to have the power of selling or mortgaging the estate. Now, a person wishing to have his name placed upon the register, in accordance with the plan which he had just mentioned, but who did not feel satisfied with his title and was anxious to secure it, would be enabled to do so by means of an officer of the Crown, who would be empowered to examine into the title, and, if he considered it to be correct, to insure it. He (Lord St. Leonards) however, should contend that it is extremely inexpedient that the Crown, through its officer, should be able to secure to a man his title to property upon that which, after all, could amount to nothing more than an *ex parte* statement. The effect of the Report in that respect would be, that in the case where an estate had been thus insured a rightful owner to it might appear; but, as the Crown had already insured it to another person, that person would keep the estate as purchaser, and the real owner would be compensated in money. Now, that was a system of which he certainly could not approve. A person registered as owner of the fee and not buying a title of the Crown would of course still be subject to all the objections which might be made to his prior title, and would upon a sale have for a long period to deduce his prior title in the usual way. Another effect of the proposal of the Commissioners would be to strike at the root of all settlements for family purposes; for, from the very nature of the case, no settlement could ever find a place on the registry. In order to guard against fraudulent sales a system of caveats had been invented, by which the person who was put upon the registry might be prohibited from acting as owner of the property until the caveat had been disposed of, either by order of the Court of Chancery or in some other way; but the result of such a system would be in every case of a settlement to call in the aid of the Court of Chancery, thereby greatly adding to the expense. The real history of the transaction was that, in order to render land saleable with as great facility as stock or railway shares, it was proposed to sacrifice all the advantages derived from the power of making family settlements. Again, in addition to its being impossible to include settlements in registrations, the effect of the registration would be to take away the authority of exercising powers created under the settlement; for if the whole fee simple of an estate was vested in the person who was registered, it was impossible that any one else could concurrently claim the exercise of any powers connected with that estate by settlement, so as to carry the legal estate. The charges, that is the mortgages of the registered owner and his leases might be registered, but not the charges or leases of the real owners under a settlement. If even a volunteer got upon the register as owner, he might sell and make a good title. As between a registered owner not having the beneficial interest and the persons entitled to it, these charges would bind him and might be enforced in equity; but if he sold or mortgaged, all rights would be barred and the real owners would have only a personal remedy against the registered owners. Johnson tells us that "sham" is a vulgar word, but still he must say this plan of placing a stranger on the register as the real owner is a sham, and yet with a terrible reality, for this sham owner may sell or mortgage the estate. Let any noble Lord imagine his estate to stand in a public registry as the property of Thomas Jones or William Smith. and his own rights and those of his family under his settlement ignored. Registration was not to be compulsory in the first instance, but if once on the register, the plan would for ever find the property, No man on the register as owner of the fee could make a settlement entitling the parties to be placed on the register without transferring the legal fee to some person to be registered as owner. If he were left on the register as owner, he would be able to sell or mortgage as owner notwithstanding his settlement. A caveat could no doubt be entered, but this might not be agreeable to the settler and none would like to show any distrust in him. Estates already in settlement can take no benefit from the proposed register, for the first person registering must be seised in principle. The system, also, would prevent persons purchasing land for purposes of speculation as tenants in common, for the registrar would say that there must be no division, and the land must be held subject to survivorship. The Report of the Commissioners had been laid before Parliament, and his noble and learned friend (Lord Brougham) had introduced a Bill which, to a certain extent, carried out the system of registration. This Bill was admirably calculated to try the system. It began with dividing any county in England and Wales and establishing districts in every division. Buildings, maps, and all other requisites were provided for on a large scale, with of course powers to borrow money. There was to be a chief register in London, and a recorder in every division, and a registrar in every district, and also a treasurer, with powers to appoint deputies and with retiring allowances, and all were to have the necessary aid of secretaries, clerks, messengers, and other officers. As regards the establishments everything was perfect. As regards the plan of the register it had all the vices of the plan of the Commissioners with some variations, of which he could not approve. The noble and learned Lord was proceeding to comment upon the plan in Lord Brougham's Bill, when—

Lord CAMPBELL suggested that it would be better to wait until the Bill was explained by its author in moving its second reading.

Lord BROUGHAM was much flattered that his noble and learned Friend should take the trouble to explain his Bill, to which he would, no doubt, except in one particular, do more justice than he could himself. The only objection was that his noble Friend would accompany his explanation with an answer at each step, and it would be most inconvenient if he (Lord Brougham) were to get up and reply to his noble Friend's account of this Bill.

Lord ST. LEONARDS was understood to accede to the suggestion of the noble and learned Lord and to desist from any further reference to this measure. The noble and learned Lord proceeded to explain the provisions of a Bill of his own for facilitating the sale and purchase of land, which he concluded by laying on the table. He said that his plan was to avoid the necessity of establishing a register, and to facilitate sales by simplifying titles and giving to purchasers further protection to supply that which they have lost by the abolition of fines and of attendant terms. In the first place, he proposed to limit the rule as to creating a perpetuity, and no longer to allow lives in being and twenty-one years as a term in gross to be taken as the limit. That term of twenty-one years and the time for gestation were allowed originally by analogy to the common limitation to one for life, remainder to his unborn son, for until the birth and majority of a son the estate would be inalienable, and he proposed to restore the true rule, and thus to prevent any unnecessary creation of a perpetuity which of course prevented all alienation. His next proposition was, that a *bona fide* purchaser's title should be unimpeachable after twenty-five years. At present he may be attacked within forty years. The twenty-five years is a great advance upon the five years allowed in the reign of Henry VII. It would cover the right of any issue under a concealed settlement. But in order to effectually guard against any such wilful concealment, and against any falsifying of a pedigree, he proposed to make such acts, whether by the seller or his solicitor, or agent, a misdemeanor punishable by fine or imprisonment, or both, and yet to preserve to the purchaser his right to recover damages from any loss which he may sustain. These provisions would justify him in proposing what would be a great boon to both sellers and purchasers, viz., confining abstracts of title to forty years instead of, as at present, extending to sixty years. Sixty years was the limit for recovering an estate under the old statute of limitations, and when the time was reduced to forty years under the new statute he thought that in general abstracts of title might be reduced in like manner. But the contrary was held, as under some settlement a life estate might endure for more than forty years. He proposed, however, that the Court should have power to enforce the production of an earlier title if there should be reason to suppose that some settlement, or will, prior to forty years may have been executed, which might prejudicially affect the purchaser's title. Judgments, crown debts, and the like, although now brought into one register, which is a great saving and safeguard to purchasers, yet still find the estate in the hands of a purchaser and therefore must be discharged, Now he would leave to judgment, &c., creditors all the rights which they now possess until the estate was conveyed to a *bona fide* purchaser for value. This would at once induce creditors to execute their judgments and relieve purchasers from considerable difficulty. As a seller would get the value for the estate, the creditors would have a better chance of the payment of their debts. As he had already intimated, he proposed not to make a *lis pendens* binding on a purchaser unless he have express notice of it at the time he purchases. And as regards notice generally he proposed that no *bona fide* purchaser for value should be bound by any other than express notice, the disregard of which would amount to a fraud, of any charge, or any other act, matter, or thing, affecting the title to the estate purchased. It remained only to provide that trustees for sale should always have a power to give receipts for the purchase money, and to enact that no purchaser shall be bound to pay or tone to the payment of succession duty not charged on himself; with these observations he moved that the Bill be read a first time. The noble and learned Lord then *presented* a Bill to simplify the Transfer of Real Estates, and to relieve Purchasers, and *moved* that it be read 1^a.

The LORD CHANCELLOR said, there was no Member of their Lordships' House more entitled than his noble and learned Friend to call attention to this very important and very difficult subject. With all branches of the law, but more especially with this, he was pre-eminently conversant, and their Lordships and the country owed him a deep debt of gratitude for laying this Bill upon the table. Having said thus much, he (the Lord Chancellor) hoped his noble and learned Friend would not think him wanting in courtesy if he did not presume or pretend to give any opinion upon the details of the measure. To say the truth, he could not distinctly follow his noble and learned Friend; but, independently of this, it was usual among their Lordships to discuss Bills of this description upon a future stage, when more time had been given for consideration and they were better able to form an opinion on their details. He should stop here if it were not for the allusions made by his noble and learned Friend to the Report of the Royal Commission, upon which subject he thought there was some little misunderstanding on the part of his noble and learned Friend. It would be in their Lordships' recollection that in 1853, very soon after he had had the honour of receiving the Great Seal, he brought in a Bill for the Registration of Assurances. That Bill was much discussed by their Lordships; it was opposed by his noble and learned Friend; but ultimately, went down to the other House, where it was referred to a Select Committee, who thought the subject of such importance that they recommended the appointment of a Royal Commission to inquire into the whole subject of registration of titles. The recommendation was thought by the Government to be a reasonable one, and a Commission was therefore issued. The very learned persons of whom it was composed, directed their attention to this subject from the beginning of 1854 until the busy time of the present year, when they made their Report. Upon receiving this Report he was not ashamed to say that, although he read it through, he could not, consistently with his other avocations, pretend to make himself master of its details or of its various bearings; and he thought that if anything was done with regard to so complicated a subject it must be in another Session of Parliament. Before this Report was made he had framed the heads of a measure extremely small with reference to the subject considered by the Committee, but which he thought would lead to extremely beneficial results. One of the great impediments in the way of the transfer of land arose from previous mortgages or transfers made—sesecret transactions of which the purchaser could not easily become cognizant. His Bill had for its first object to replace the complicated form of modern mortgage by a simple deed received by the lender from the borrower something to this effect:—"I have borrowed £5,000 which is to be repaid on such and such a day, with such and such interest, and is to be charged in favour of the lender upon such and such lands," describing them as shortly as possible. Then, in order that no man might lend his money upon lands which were already charged, he proposed that, in lieu of the cumbrous machinery of a register-office, these charges should be in the simplest possible form, registered in the Court of Common Pleas, where judgments were now registered. Then he proposed that judgments as a mere security upon land should in future be done away with; anybody who wanted security would take it in the form of one of the mortgages he had described; and, if the money were not paid at the stipulated time the mortgagee would have the power to sell the land just as he had at present. This was certainly a small measure, as compared with the large scheme contemplated by the Commission, but he did not like to lay it before their Lordships pending the consideration of the Report, or until it was seen whether anything was to be done with respect to that Report. On this subject he thought his noble and learned Friend was mistaken as to what had occurred in the other House of Parliament. He did not mean to say that the Government might not in the next Session of Parliament act upon the Report of the Commission, though they would not be justified in doing this until it was better understood. Long before the Commissioners made their Report he had a communication with one or two of them, and stated that he thought their Report would be extremely imperfect and of very little value unless it were coupled with a Bill to show how their Report could be carried into practical effect; and therefore he had no doubt that the announcement of his hon. and learned Friend the Attorney General, in the other House of Parliament, referred to that Bill. He thought that it was extremely proper that the Attorney General, not so much the organ of the Government as of that Commission, should lay upon the table of the House a Bill, by way of appendage to the Report, showing how it could be carried into effect. That was all that he knew of any Bill which had been introduced by the Attorney-General on this subject. He did not profess to follow his noble and learned Friend throughout his very able statement. It was of great importance that their Lordships should discuss the subject, but he did not feel that he could do more at the present moment than express his thanks to his noble and learned Friend for the pains he had taken in framing a measure which he (the Lord Chancellor) trusted might prove to be a useful measure, or which might at all events serve as a useful suggestion in some future Session of Parliament. He would therefore simply confine himself to putting the question that the Bill be now read a first time.

Lord BROUGHAM thanked his noble and learned Friend for the attention which he had bestowed on the subject, and for having introduced the Bill.

Lord CAMPBELL said he would content himself by entering his protest against what his noble and learned Friend had said against a general system of registry. He entirely agreed with his noble and learned Friend that unless it could be shown to be profitable to the landed interest the question of a general registry ought not to be debated; but, instead of its being a burden upon the land, his belief was that it would be one of the greatest reliefs to it. It would simplify the transfer of property beyond conception. It had answered well in Scotland, in the Colonies, and in every country in which the experiment had been made. In no country where there had once been a registry established had it been abandoned. His firm belief still was, that until they resorted to that they could not lay a foundation for the improvement of the law of real property.

Bill read 1ª.

SALOMONS *v.* MILLER.—RIGHT OF JEWS TO SIT IN PARLIAMENT—QUESTION.

Lord CAMPBELL: My Lords, I rise, in pursuance of the notice that I have given, to ask my noble and learned Friend on the woolsack what is the present state of an appeal, of very great importance, which has been pending for some years in your Lordships' House—namely, the appeal of *Salomons* v. *Miller*. I am sure that it is not owing in the slightest degree to any default in my noble and learned Friend on the woolsack that this appeal has not been disposed of. But it is one of great importance, because upon it depends this most important and interesting question—whether, according to the existing state of the law of England, Jews may lawfully sit in Parliament. In the year 1851, Mr. Salomons, a gentleman of great accomplishments, of high honour, and whom I am pround to call my friend, was returned to Parliament for the borough of Greenwich. [Lord Brougham: You may call him your learned friend]. And, as has been suggested by my noble and learned Friend, I may call Mr. Salomons my learned friend, because he is an ornament of our profession. He was called to the bar, and I am sure he would have been greatly refreshed and delighted by the discourse which has been delivered this evening by my noble and learned Friend opposite (Lord St. Leonards). Being of the Jewish persuasion he objected in the House of Commons to take the oath of abjuration according to the form which the statute prescribes. He would only take and subscribe to that oath by leaving out the words "upon the true faith of a Christian." The Speaker of the House, I believe, very properly intimated to him that under those circumstances he was not entitled to sit and vote in the House. But Mr. Salomons formed a different opinion upon the law, as he was entitled to do, and he sat and voted without having taken the oath in the manner prescribed by Act of Parliament. To try that question, an action was brought against him for penalties, the Legislature having enacted that any Member of Parliament who shall presume to sit or vote without having taken the oath in the manner prescribed, shall incur for each breach of the enactment a penalty of £500. That action was brought in the Court of Exchequer. There was what is called a special verdict, by which the jury found the simple fact of his having taken the oath in the manner that I have described, leaving it to the court to say whether he had incurred the penalty or not. That special verdict was solemnly argued before the Court of Exchequer. Three of the Judges were of opinion that he had incurred the penalties, and the fourth Judge dissented; the great question being whether "on the true faith of a Christian" was the mode of taking the oath, or a part of the oath—of that which was to be sworn to. There being a majority of the court against Mr. Salomons, judgment was pronounced against him. He then appealed to the Court of Exchequer Chamber, consisting for this purpose—the appeal being from the Court of Exchequer—of all the Judges of the Court of Queen's Bench, and all the Judges of the Court of Common Pleas. That appeal came on to be heard in the year 1853. It was my duty to preside as Chief Justice of the Court of Queen's Bench. We heard it elaborately argued, and I, for one, formed my own opinion. I was clearly of opinion that the judgment of the Court of Exchequer was right. In both Houses of Parliament I have voted for the admission of Jews to Parliament. I thought that the law by which they were excluded was unjust, and I have therefore, on all occasions when the question has been introduced, voted for their being admitted constitutionally and lawfully. But sitting as a Judge, in which capacity I had not to make but to declare the law, it appeared to me that the arguments of the three Barons who decided against Mr. Salomons were unanswerable, and that it really was the intention of the Act of Parliament, when read and fairly construed, that no person should be allowed to take that oath except in the manner which is prescribed by the Act of Parliament. And I was above all induced by this consideration—that both Houses of Parliament had repeatedly put the same construction upon that oath; for early in the reign of George I. they passed an Act in favour of the Jews, with respect to particular purposes, releasing them from swearing "upon the true faith of a Christian," where it was thought that that might be permitted. And, my Lords, I myself had proposed a Bill under which Mr. Salomons became sheriff of London,—which would have been wholly unnecessary if the words objected to were not a part of the oath. That Bill met with the approbation of both Houses of Parliament. I was Attorney General when I proposed that Mr. Salomons should be allowed to be Sheriff for the city of London. My noble and learned Friend who sits opposite (Lord Lyndhurst) did what I did not venture to do, because it was with some difficulty that the Bill to allow a Jew to fill the single office of sheriff was allowed to pass; but my noble and learned Friend brought in a Bill, which I rejoiced to have the honour of supporting, whereby Jews were enabled to hold all municipal offices of whatever description. And that met with the approbation of the Legislature. Now, these Bills would have been wholly unnecessary if a Jew could have taken the oath of abjuration without the words "on the true faith of a Christian;" and therefore the Legislature by passing those Bills clearly declared their opinion that, as the law stood, wherever the oath of abjuration must be administered, it must be taken in the form prescribed. My Lords, all the learned Judges assembled (both of the Court of Queen's Bench and of the Court of Common Pleas) concurred in the view that I have stated. And so clearly were we of that opinion that, after having heard the question elaborately argued on one side in support of the appeal, we thought it unnecessary to hear the other side; because we were convinced, by the judgments of the three Barons of the Exchequer, and I may say particularly by the very powerful and elaborate judgment of my noble and learned Friend (Lord Wensleydale), that that judgment was right, and by the unanimous judgment of the Court of Exchequer Chamber the judgment of the Court of Exchequer was affirmed. There was a writ of error brought upon the judgment of the Court of Exchequer Chamber by Mr. Salomons in the year 1854 to your Lordships' House. In the natural course of things that appeal ought to have been decided in 1855. It was not decided, however, in that year, nor in 1856. Indeed, it has not been dedecided up to this hour. It has only been appointed for a hearing. Now, I consider that it is of the greatest importance that that writ of error should either be determined or be dismissed. In the latter alternative the judgment of the Court of Exchequer Chamber would be held to be final. But, as far as I know, no step has been taken for bringing the writ of error to a hearing. In the meantime both Houses of Parliament have acted as if the decision of the Court of Exchequer Chamber were right, for the Commons have refused to allow Baron Rothschild to take his seat in their House without taking the oath according to the form prescribed by statute. More than this, there have been Bills introduced into the other House of Parliament, and sent up to this House for altering the law. When you bring in a Bill to alter the law, is not that a Parliamentary declaration of what the law is? Unfortunately, as I think, the Bills sent up from the other House for the entire emancipation of the Jews have not met with the approval of your Lordships. Yet your Lordships can hardly be blamed for this, because until the present Session there was reason to believe that public opinion was in harmony with the opinion of this House. I trust this House will ever be the rallying point of public opinion; because as long as you have the voice of the country on your side you may safely affirm or reject any proposal made by the other branch of the Legislature. But I must confess I was in hopes that the manifestation of public opinion during the present Session would have led to a different result. The measure was carried in the other House by an overwhelming majority, its supporters mustering a greater number than they ever did before. Gentlemen of great eminence, who are politically connected with the noble Earl opposite (the Earl of Derby), and among others Sir John Pakington, who had previously voted conscientiously against the Bill, voted on this occasion in its favour. I therefore entertained a sanguine expectation that the most powerful arguments of my noble and learned Friend opposite (Lord Lyndhurst), who has distinguished himself so much by his advocacy of this measure, would have prevailed with your Lordships, and induced you to assent to the removal of the Jewish disabilities. The noble Earl opposite (the Earl of Derby), of whose brilliant talents I have the highest admiration, and for whose honourable motives, I have the greatest respect, deemed it his duty to persist in his opposition to the Bill, and it was again rejected. I now expected that the matter would have stood over till another Session of Parliament; but my attention has been drawn to the votes of the other House, and on looking over those votes I found to my great surprise a notice of Motion to the effect that, whereas Baron Rothschild has declared that the words "on the true faith of a Christian" are not binding upon him, the House of Commons should resolve that the Clerk be instructed to omit those words in administering the oath to him, and that Baron Rothschild be admitted to take his seat by a Resolution of that House — in defiance of what has been done by the House of Lords, and without the consent of the Crown. I should be very slow, indeed, in commenting on what occurs in the other House of Parliament in cases where your Lordships would have an opportunity of constitutionally discussing the question at issue. But if the Motion of the other House to which I have referred should be carried there, it will never come before your Lordships, but will at once be treated by the other House as law. This I regard as a flagrant usurpation. To use the mildest term that I can bestow upon it, I should call it nothing less than a *coup d'état,* such as is sometimes resorted to in a neighbouring country to bring about a revolution. A law of this description is contrary to all law, because it attempts by a Resolution of a single branch of the Legislature to repeal an Act of Parliament, and to pass a law against the expressed will of your Lordships, and without the sanction of the Sovereign. I hear that it is sought to justify this proceeding by the precedent of the election of Mr. Pease, in 1832, for the county of Durham. Being myself a Member of the House of Commons and a law officer of the Crown in that year, I took an active part in that investigation, and I venture to say that what was then done has not the smallest application to the case now to be considered. Mr. Pease was a Quaker. There was no question as to the manner in which the oath was to be taken. The real point was, whether there were not Acts of Parliament passed by Commons, Lords, and King, by which the Quakers were absolved from taking oaths and from swearing to what appears in the oath of abjuration. It was our opinion, and it is my firm and sincere opinion at this moment, that by two Acts, one of which was passed in the reign of George II., a Quaker was allowed to affirm in regard to all that appears in the oath of abjuration without swearing at all. The language of the statute is so strong, that it admits of no other construction. It declares that wherever any oath is to be taken, the Quakers are absolved from the necessity of swearing, and are allowed to affirm. At the time of the passing of that Act the same arguments were used against the Quakers as are now used against the Jews. It was said that the admission of the Quakers would *unchristanize* the Legislature. Petitions were presented against the measure, stating that the Quakers were not Christians; and in your Lordships' records protests will be found against the Bill on the ground that they are not Christians because they object to all sacraments, even to baptism, and the Lord's Supper. The Bills exempting the Quakers from swearing were, however, passed; and on that ground, and on that ground alone, Mr. Pease was allowed to affirm, and to take his seat with the unanimous concurrence of the House of Commons. The proceeding was therefore according to law. We then did what we believed the law required us to do. We did not make the matter one of privilege. There was no attempt to alter the law by a Resolution of the House of Commons. It was a simple declaration and determination of what the Legislature had done. There is no pretence, then, for saying that this precedent has any application to a case like the present, where the proposition has been solemnly adjudged to be contrary to law, and where it would be contrary to the decision of one branch of the Legislature, and without the consent of the Crown. Another precedent referred to relates to what took place in this House in regard to life peerages. I do not intend to revive the late controversy excited by that subject; but whether your Lordships were right or wrong in your decision upon that question, that decision has not the slightest application to this case, because in what you did you only exercised a jurisdiction analogous to that which the House of Commons itself exercises when it decides whether a person taking his seat in that House has been lawfully returned. The House of Lords did not on that occasion alter the law, but were guided by it. What then would be the consequence of the course of proceeding now suggested? The Judges cannot stop a Resolution of the House of Commons; but if an action were brought, I, or any other Judge, would be bound to lay down the law as it has been declared by the Court of Exchequer Chamber, to say that the penalties had been incurred, and to direct the jury to find a verdict for the plaintiff. There would be no difficulty in proving the fact. The House of Commons, to do it justice, offered the clearest evidence in support of the action, and every Member of that House would be bound to give evidence, and to explain what had taken place when the oath was administered. I see it has been proposed by some that a Resolution should be passed by the House of Commons, declaring it to be a breach of privilege in any person who should bring an action against a Member of the House of Commons who had been allowed to take his seat without swearing in the manner required by law. My Lords, I have been during the course of my Parliamentary life a strong supporter of privilege. I do not regret the lengths to which I went when there was a controversy upon the question of privilege between the House of Commons and the Court of Queen's Bench. But that was an action for doing that which the House of Commons, in the clearest exercise of its rights, had directed to be done. The House was bound to take up that question, and to deal with it as a breach of privilege. But to declare it to be a breach of privilege to bring an action against a Member of the House of Commons who had violated the law would be perfectly absurd. The House of Commons might just as well resolve that it would be a breach of privilege to bring an action on a Bill of Exchange against the acceptor, or to bring an action of ejectment to recover an estate that had belonged to a man and his ancestors for 500 years; the House of Commons might as well attack the prerogative of the Crown, and resolve that it would be a breach of privilege to acknowledge the appointment of any officer in the army or navy without the previous consent of the House of Commons,—or a breach of privilege to declare war, or conclude peace without their previous sanction. My Lords, if such a course should be adopted, it seems to me that a revolution threatens this country, and that it may lead to the most fatal results. If this contest is wantonly stirred up between the House of

Commons and the Courts of law, I, for one, shall not be afraid of the consequences personally to myself. I hope, however, that if the House of Commons should order me to be sent to Newgate or the Tower, the people will rise in my defence and come to the rescue. I am prepared to do my duty. I have, however, great confidence in those who now direct the deliberations of the House of Commons. I have had the honour to sit in the same cabinet with two of the most distinguished leaders of that House, and I shall be very much mistaken if they give their sanction to the passing of such a Resolution. I have, indeed, read of a scheme that certain Members of the other House of Parliament are said to have come to, by which the Prime Minister is to be pressed and urged and almost compelled to agree to such a Resolution; but I have great confidence in the firmness as well as the good sense of the present Prime Minister, and I believe that he will give them a very courteous but very decisive answer, that such a proceeding would be contrary to the law and constitution of the country. My Lords, I have thought it my duty to inquire into the present state of the case of *Salomons* v. *Miller*. If the judgment of the Court of Exchequer is reversed upon an appeal to your Lordships' House, I, for one, shall rejoice—I shall rejoice to see the Jews, my fellow subjects, constitutionally and lawfully introduced into Parliament. I believe that there will be no danger from such a proceeding, but that it will take off a reproach under which we now suffer. It is, however, only by Act of Parliament that they can be introduced into the Legislature. I hope the time is not distant when such an Act may be passed, but until then the Jews must submit to the privations under which they now labour.

THE LORD CHANCELLOR: My answer to my noble and learned Friend's question must be very short. The writ of error in the cause *Salomons* v. *Miller* was sent down in 1854, and was to have come on in May, 1855. Nothing, however, was done, and last year an application was made from the plaintiff and defendant praying that the cause might stand over until this Session. [Lord CAMPBELL: That was an application from one party.] My noble and learned Friend may know more about the matter than I do, but the application purports to come from both plaintiff and defendant. On

June 15th, in this year, a joint application was again made that the case might stand over for two months. That would carry it until the 15th of August, and it would thus most probably stand over until next Session, as judgment is not likely to be given at that period of the Session.

LORD BROUGHAM trusted that no such indiscreet act would be done, or attempted to be done, elsewhere as that to which his noble and learned Friend had adverted. He was no great advocate of privilege, and thought that his noble and learned Friend had carried his advocacy of privilege too far in the question at issue a few years ago between the House of Commons and the Court of Queen's Bench. It hardly seemed credible, but it was on the Journals of the House of Commons, that they had tried, by way of privilege, a right of fishery claimed by an admiral who was a Member of that House. Instead of coming to the Queen's Bench, the Admiral complained of an individual who had interfered with his fishery. The man was summoned and taken into the custody of the Serjeant-at-Arms. He acknowledged his offence, promised not to repeat it, and was dismissed on payment of the fees. The gallant Admiral by this proceeding had obtained, not a verdict and judgment by a court of competent jurisdiction, but a prejudgement by the House of Commons, proceeding by way of privilege. He trusted that there would be no attempt to push a matter of privilege to such a length on the present question. He very much feared that if the House of Commons made a law by way of Resolution of the kind described, they would expose the person who took his seat under such a Resolution, to great inconvenience, and, he would also say, to very great loss; because, if an individual trusted to the force and sufficiency of that Resolution, every time that he was present in the House of Commons and heard the Speaker put the Question, he would make himself liable to a penalty of £500, from the payment of which he could not escape without something that he abhorred the thought of—a violent conflict between the Courts of Law and the House of Commons.

LORD CAMPBELL said, that with reference to the explanation of his noble and learned Friend, as to the cause of the delay in bringing the writ of error for decision before the House, it appeared that though it was fairly and honestly argued, the plaintiff and defendant appeared to have a close understanding on the matter, and whatever one suggested the other agreed to. With all respect for his friend Mr. Alderman Salomons, he must say that he thought it desirable that the case should be speedily brought to a conclusion.

House adjourned at Eight o'clock, to Thursday next, Half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, July 21, 1857.

Minutes.] Public Bills.—1° Oaths Validity Act Amendment; Sale of Waste Lands (New Zealand); Agricultural Statistics.

2° Oxford University.

3° Loan Societies; Common Inclosure; Boundaries of Land (Ireland); Public Works (Ireland); Land and Assessed Taxes, &c. (Scotland) Acts Amendment; Public Health Act (Aldershott); Industrial Schools.

HUNTINGDON COUNTY ELECTION.

The Names of the five Members appointed to try and determine the matter of the petitions, complaining of an undue Election and Return for the County of Huntingdon were called over; and Joseph Locke, esquire, not being present,

Mr. SPEAKER acquainted the House, that he had received a letter from Mr. Locke's Solicitors, Messrs. Swift and Wagstaff, stating that Mr. Locke had gone abroad under medial advice, and explaining the circumstances attending the health of himself and Mrs. Locke, which had induced him to go last week to Aix-la-Chapelle, after he had ascertained that all the Committees had been struck from the Panel in which his name was included.

Letter read as follows:—

"32, Great George-street, Westminster,
21st July, 1857.
S. W.

"Sir,—As solicitors for Mr. Joseph Locke, we write to explain his non-attendance at the House this day, to be sworn as one of the Huntingdon Election Committee.

"Mr. Locke met with a serious accident to his knee in November, 1855, which confined him to his couch for several months, and in the autumn of last year he tried the effect of, and received much benefit from, the application of the douche baths at Aix-la-Chapelle.

"Some short time since, having experienced a return of lameness, he was recommended by his medical attendant again to have recourse to the same application, from which he had received so much benefit last year; and he determined to adopt the recommendation as soon as his parliamentary duties would permit.

"Having served as chairman of one private committee during the present Session, and having ascertained, at the beginning of last week, that all the Election Committees of the Panel in which his name was included had been struck, he did not consider it necessary to obtain leave of absence, but started for Aix-la-Chapelle at 1·30 p.m. on Thursday last, in company with Mrs. Locke, and arrived there after almost continuous travelling at 7·30 on Friday evening.

"On that same day a new Committee for the Huntingdon Petition was struck in consequence of the discharge of Sir Edward Dering, and Mr. Locke was nominated one of such Committee.

"A communication was at once made to Mr. Locke by telegraph and by letter, and a reply was received yesterday, intimating the length of the journey, the fatigue of Mrs. Locke, the fact of his having placed himself under medical advice, that it would be impossible for him to attend the Committee, and that he had left town under the impression that he had been absolved from all liability to attend.

"Mr. Locke's medical adviser has been seen, and will be in attendance at the sitting of the House; he will be prepared to prove that Mrs. Locke has been for several months in a very delicate state of health, and that he has advised quiet and freedom from excitement; that he was strongly opposed to her accompanying Mr. Locke, thinking the long journey would be too exciting, but he reluctantly gave his assent from an impression that, considering the nervous irritability of her system, it would probably be productive of as much injury to her to separate her from her husband as would be occasioned by the excitement of the journey. That he considers the excitement and fatigue, consequent on her immediate return, might be productive of serious consequences, and that if instead of returning with Mr. Locke, she were to stay at Aix-la-Chapelle, and allow him to return alone in order to attend the Committee, the same evils and injurious effects would probably be produced, and in an aggravated degree, for the avoidance whereof he reluctantly assented to Mrs. Locke's undertaking the journey.

"A telegraphic message was sent to Mr. Locke yesterday, urging him to return, if possible, to which he replied late last evening "that he is unwell, that Mrs. Locke cannot travel, and he cannot leave her."

"We trust that this explanation, which we are prepared to verify on the oath of the writer and of Mr. Aikin (Mr. Locke's medical attendant), will be considered by the House a sufficient case of necessity to admit of discharging Mr. Locke from attendance on the Committee.

"We have the honour to be, Sir,
"Your most obedient humble Servants,
"Swift & Wagstaff."

"To the Rt. Hon. the Speaker, &c., &c."

And the House being also informed of the state of Mr. Locke's health by a Member in his place,

Ordered, that Mr. Wagstaff be called in.

Mr. Wagstaff was accordingly called in, and examined upon oath in relation to the circumstances attending Mr. Locke's health, and his departure for Aix-la-Chapelle; and then he withdrew.

Resolved, That, in the opinion of this House sufficient cause has been shown to the House why the attendance of Joseph Locke, esquire, should be dispensed with.

BANKING BILL COMMITTEE.

Order for Committee read.

MR. HEADLAM said he would appeal to his right hon. Friend the Vice-President of the Board of Trade, not to proceed with this Bill at that time. It was a measure of the very highest importance, as affecting the commercial classes, and he was surprised that it should have been fixed for a morning sitting. The appearance of the House afforded a sufficient reason why a Bill of this nature should not at that hour be proceeded with. He very much doubted if there were Members enough present to constitute a legal House, and he must ask his right hon. Friend to defer the Bill for the present. The second reading had been taken at a late hour of the night, when it was impossible to discuss the principle of the measure, and it was not likely that they could give to it the consideration which it deserved in the then state of the House.

MR. HADFIELD said he concurred with the hon. Member for Newcastle, in requesting that the Bill should be postponed. He had received a letter signed by every bank in Sheffield, strongly urging that it should be deferred for another Session. He assured his right hon. Friend that this was no factious opposition, but his constituents felt that important principles were involved in the question, which they feared would be endangered by hasty legislation.

MR. LOWE said that the numerous appeals which had been made to him afforded a very good illustration of a practice which a popular writer had described to be extremely prevalent—"how not to do it." He reminded his hon. and learned Friend the Member for Newcastle (Mr. Headlam), that he had introduced the Bill at an early hour, and that both upon that occasion and on the second reading his hon. and learned Friend had not found it convenient to attend, and that to postpone the measure now, even for a brief period, would be practically to postpone it for the remainder of the Session. The Bill had been printed on the 25th of June, and it was now the 21st of July, and he thought that ample time therefore had been afforded for its consideration by those who were interested in the subject. The London and country joint-stock banks and the Scotch banks had considered the measure very carefully, and their suggestions had been for the most part embodied in the amended Bill. He assured the House, that if he did not consider the measure to be one of great practical importance, and to be earnestly required, he should not press it on their attention; but although the constituents of the hon. Member for Sheffield (Mr. Hadfield) might be satisfied with the law of banking as it stood, he did not believe that the country was satisfied with it. The great object of the Bill was to improve the mode of winding up joint-stock banks, and to prevent the recurrence of such disastrous consequences as had taken place in the case of the Royal British Bank recently. The matter was a very important and serious one, and he thought that he should be amenable to the charge of neglecting his duty if he consented to postpone such a Bill upon the vague and general assurance that hon. Gentlemen had not time to consider it. He firmly believed the public were satisfied with the measure as it stood, and under the circumstances, he certainly would not take upon himself the responsibility of perpetuating the present system of winding up banks, by which Law, Equity, and Bankruptcy, were all let loose upon the unfortunate creditors at once. He must therefore press the Motion for proceeding with the Bill.

MR. GLYN said he felt bound to agree with much of what his right hon. Friend had stated, and he was willing to admit that the Bill in its amended shape was calculated to remove many of the objections which had been entertained to it in its original form; but there were still several clauses in the Bill which caused great dissatisfaction throughout the country. For instance, he must express his surprise that the twelfth clause was still retained, because his right hon. Friend surely could not intend to enact that seven individuals, with a subscription of £350, should be enabled to start a joint-stock bank, and to enjoy therefrom all the *status* in society, and all the advantages which a joint-stock bank enjoyed. He thought that the Court of Bankruptcy was the proper tribunal for winding up concerns of this description. The officers of that court collected and distributed the assets speedily, and he contended that it was better qualified by its machinery for the adjudication of matters of this description than the Court of Equity, or any other existing tribunal; and if the

Lord Chancellor would appoint some higher Judges for more serious cases than now came before that court, it would be most satisfactory to the commercial world. On the whole, he should be glad if his right hon. Friend would delay the Bill for another year, in order to afford further time for the consideration of this important subject. He would also suggest to his right hon. Friend, as Parliament had long legislated for the benefit of joint-stock banks, that private banks were also entitled to some consideration. At present private banks were not allowed to consist of more than six partners, and they were thus prevented from strengthening themselves by adding to their numbers, however desirable such a step might be. He did not wish to admit an unlimited number of partners into private banks, but he thought those establishments, which were no doubt a great convenience to the public, should have the power of increasing the number of their partners to ten or twelve. This was a subject which had long and anxiously engaged the attention of the late Mr. Freshfield, and he hoped that the day was not far distant when some beneficial legislation with respect to private banks would be undertaken.

House in Committee, Clauses 1 and 2 *agreed to.*

Clause 3 Provides that the second section of the Joint-Stock Companies Act, 1856, shall be repealed so far as relates to persons associated together for the purpose of banking, subject to a proviso, that no existing or future Banking Company shall be registered as a Limited Company.

MR. HEADLAM said, he rose to move the omission of the proviso, for the purpose of raising the general question as to whether banking companies should or should not hereafter be capable of being registered as limited companies. He could not, however, consent to adopt the opinion of a House consisting of about thirty Members as conclusive upon a subject of this importance. It had been his duty some time ago to investigate the causes of failures of several joint-stock banks in the North of England, and the result of that investigation was to show to him the evils that resulted from the principle of unlimited liability. But the general law at that time was all in favour of the principle of unlimited liability with respect to commercial establishments of all descriptions. He was therefore not at all surprised that the House should have rejected the Bill he introduced at that time, which Bill was based on the principle of limited liability. A general feeling of dread existed as to the number of limited liabilties as applicable to joint-stock banks alone. Since then, however, a change had taken place in the opinions of men. The principle of limited liability had now been generally adopted in the commercial relations of this country, and experience, so far as it had gone, had proved the wisdom of the change, and the fallacy of the arguments by which it had been resisted. The question, then, now arose whether there was any sufficient reason why a special and peculiar exception should be made with reference to joint-stock banks. It was a mistake to suppose that unlimited liability had originated in any desire to protect the public, it having been introduced solely on account of private and selfish interests. Previously to 1826 there was only one bank in this country which was based upon the principle of limited liability, and that one was the Bank of England, every other bank throughout the kingdom being based on unlimited liability. The Bank of England possessed no other advantage at that time which was not common to every other bank, but while the Bank of England with limited liability throve and prospered, many of the other banks, with unlimited liability, broke and fell in the commercial panic of 1825. These occurrences naturally excited great attention at the time, and Lord Ashburton, then Mr. Baring, who was anxious to promote the prosperity of joint-stock banks, proposed to enable private individuals to associate together in the establishment of banks on the principle of limited liability. Mr. Huskisson upon that occasion admitted that it would no doubt be a great improvement if, under a proper system, chartered banks were established on the principle of limited liability; but the Bank of England, animated by anything rather than a desire for the prosperity of those competitive institutions, opposed the application of this privilege to other banks, and consequently the principle of unlimited liability with respect to them was still retained. Subsequently, in 1833, upon the expiration of the charter of the Bank of England, Lord Althorp, who was then Chancellor of the Exchequer, and no rash speculator, proposed, in the case of joint-stock banks not issuing their own notes, that the shares should not be less than £100 each, and that the partners should be liable and responsible only for the amount of their respective shares. That was the proposition which Lord Althorp made in 1833, in the interest of the public at large, but the noble Lord did not persevere with it, avowedly on account of the strenuous opposition of the Bank of England. That was the cause why the principle of unlimited liability had been so long adhered to. The question, however, now was why after making a change in the general law, joint-stock banks should still be made an exception. To show how the principle of unlimited liability operated, it might be sufficient to refer to the history of the British Bank, of the Tipperary Bank, and of many others which had failed before, in all cases spreading devastation and ruin over the districts where the failures had occurred. In the first place he contended that the direct tendency of the present law was to lower the character of the shareholders and directors in such establishments. He perfectly admitted that there were joint-stock banks as well and respectably managed, and numbering as honourable men among their directory and proprietary, as it was possible to have; but he maintained that the tendency of the law was to lower the class of shareholders and directors, because men of wealth would be chary before they staked their all in such undertakings. It would be found, as a general rule, that very early after the establishment of these banks with unlimited liability a large portion of the paid-up capital was frittered away, or, as he was sorry to say, found its way into the hands of individual directors. If the company were limited it would have no credit other than attached to its good management and to its paid-up capital, so that if failure occurred the loss would be a first loss, and the evil resulting from it would not be so wide-spread as otherwise; but a bank with unlimited liability possessed fictitious amount of credit altogether independent of its good management, and arising from the fact that every shareholder was liable to the full amount of his fortune, and these banks were thus enabled for years before the final crash came to live upon false and fictitious credit. In order to maintain this credit, they were compelled to pay dividends to justify the position which they occupied in the eyes of the world; and so they went on, sinking from year to year, but still paying dividends, until the question at last arose whether they must not stop and cease to continue any longer. What, in such cases, was the course pursued by those who wished to save the bank from destruction? Suppose an honest shareholder proposed a call upon the proprietary; if he succeeded, and a large sum were thus raised, the establishment might surmount the difficulty for a time; but if he failed, the final destruction of the bank would only be accelerated. He contended, then, that the tendency of this practice of unlimited liability was to give to banks so established the opportunity of spending their capital in the first instance, to continue to them a fictitious credit which ought not to exist after the capital was spent, to hold out inducements for the payment of dividends when they were in a state of utter ruin, and to offer direct premiums to all directors not to attempt to resuscitate the establishment with which they were connected, but to endeavour to get out of it as fast as they could. Strange to say, that though the principle of unlimited liability was kept up in this country, it did not apply to the Colonies, which seemed to prove that the Government themselves, when unfettered, were in favour of the principle of limited liability; and this he thought probably afforded one of the strongest reasons why the principle should be universally adopted. He could not conceive any social evils more serious and more wide-spread than those which resulted from the failure of such institutions as the British Bank and the Tipperary Bank. It was little satisfaction to reflect that the creditors might ultimately be paid; for the shareholders and creditors were persons very much in the same class of life, and it was poor compensation, indeed, to be told that after years of suffering and misery twenty shillings in the pound were extracted from the small tradesman who had invested his little capital in the shares of a bank of this description. Remote as was Tipperary from the town he had the honour to represent, yet the latter place suffered severely from the failure of the Tipperary Bank. The ruin and misery were not confined to the poorer classes. The names even of hon. Members of that House were tainted from their connection with that and the British Bank. After the failure of these banks, they had the spectacle of the Attorney General, contrary to his own opinion, compelled by public opinion to strain the criminal law, with a view of meeting the cases which arose out of the failure of these banks, and thus the Legislature will, by its own unwise laws, subject men to undue temptation if they attempted to prevent the natural consequences of it own act, by threats of harsh criminal prosecutions. The Bank of England was founded on the principle of limited liability. Several of the Scotch banks were founded on the same principle. All the commercial establishments in this country might be conducted on the principle of limited liability. Under these circumstances, and upon these authorities, with their experience, he asked upon what ground banks alone were to be excluded from the advantage of the application of the same principle that had been decreed right and correct as to other commercial enterprises.

MR. BERNARD said, that as the holder of 300 shares in the London and County Joint-stock Bank, he felt much interested in this question, and he should support the Amendment, as he thought that the folly and inutility of the system of unlimited liability had been sufficiently illustrated by the example of the Royal British Bank. He maintained that few measures better calculated to insure the safety of the public could be devised than the extension of the principle of limited liability to joint-stock banks, and the enabling of private banks to double the number of their partners. He therefore trusted that the right hon. Gentleman would take into his favourable consideration the observations of the hon. and learned Member for Newcastle.

MR. HASTIE observed, that he should support the clause, and he could not but express his surprise that the hon. Member for Newcastle, who had devoted so much time and attention to the subject, had not presented them with some more practical arguments than he had done in favour of the Amendment which he had proposed. He (Mr. Hastie) contended that to adopt limited liability in the case of joint stock banks would be to introduce into banking one of the most dangerous elements which had ever been introduced into the commercial regulations of this country. It would give no security to the shareholder, the creditor, or the public. It was notorious in every department of commerce, that when a man's risk was limited he was inclined to go the full extent of his tether, and he believed that nothing would be so calculated to promote speculation as the introduction of limited liability; while, at the same time, it diminished the security if the speculation turned out a failure. The hon. and learned Gentleman had endeavoured to illustrate his argument by a reference to the British Bank, but he had failed to show how limited liability would have saved that establishment; and he (Mr. Hastie) was satisfied that, so far from saving that bank, it would only have provided additional inducement to the directors to enter upon a wider field of speculation in the hope of retrieving their misfortunes. In new countries, where it was deemed desirable to induce persons to invest their capital in joint-stock banks, limited liability, no doubt, might be suggested with the view of promoting such investments; but here inducements of that nature were altogether unnecessary, and he should strongly deprecate the introduction of the principle into joint-stock banks in this country. If the Amendment were to become law immediately, he did not believe that any joint-stock bank of respectability would be able to adopt the principle of limited liability, because the moment that it did so the suspicion of the public would be excited, and he believed that the result to the banks themselves would be rather disadvantageous than otherwise. He trusted, therefore, that the right hon. Gentleman would on no account adopt the suggestion of the hon. and learned Member for Newcastle.

MR. GLYN said, he thought that the present was not a convenient opportunity for discussing so important a question as that raised by the hon. and learned Member. The subject deserved consideration, for no one could say that the law with respect to joint-stock banks was in a healthy or satisfactory state, because, although we had nominally unlimited liability with respect to banks, special Acts were frequently introduced to confer limited liability upon particular establishments, and the consequence was an amount of uncertainty in the legislation upon the subject which was required to be investigated. But he was not at all satisfied that limited liability, so far as it had been adopted in this country, had been attended with favourable results. It had not been sufficiently tested here to enable persons to speak with confidence of its operation, while in the United States, where it had been most largely adopted, its application had been decidedly unfavourable and unsatisfactory. The success of banking operations must depend altogether upon good management, and whether good management was most likely to be secured under limited or unlimited liability was a question upon which no doubt there would always continue to be a great difference of opinion. Seeing the small attendance of hon. Members, he regretted that his right hon. Friend had not in the first instance yielded to the appeal which had been urged upon him to postpone the measure till another Session.

MR. H. B. SHERIDAN said, he should support the Amendment, as he could see nothing in the circumstances of the great discount companies in the City which should induce Parliament to confer the privilege of limited liability upon those companies and to refuse it to joint-stock banks. If limited liability were extended to all, persons would inquire for themselves before they invested their money, and he believed that a much sounder and safer system of investment would be the consequence. He saw no necessity whatever for insisting upon unlimited liability in the case of joint-stock banks, but he suggested, if any medium course could be pursued, that it might be desirable to limit the liability of shareholders to, say, two or three times the amount of the shares they held.

MR. BRISCOE said that all that had fallen from the hon. and learned Member for Newcastle only convinced him of the fallacy of the principle he advocated. In the year 1837 no less than 600 banks with limited liability had failed in the United States, and he thought that this was a fact which should weigh with the Committee, and should make them resist the application of the principle to joint-stock banks in this country. It was the duty of Parliament to legislate for the protection of the public, and he contended that they would be utterly neglecting their duty if they did not maintain the principle of unlimited liability, because no one could doubt that in proportion to the responsibility that was thrown upon bank directors would be the amount of prudence and caution which they would bestow upon the management of their several concerns. He thought it could hardly be said that the Bank of England was a bank founded on the limited liability principle, seeing that all the property of the shareholders was liable for the payment of their circulation. He could easily understand that shareholders in these undertakings would be desirous to limit their responsibility, but, on the part of the public, he trusted that the Government would not yield to the arguments of the hon. and learned Member for Newcastle.

Mr. Glyn

MR. BUCHANAN said he thought that limited liability instead of being a ground of confidence to the creditors of a bank was a reason why they should think their interests in peril. The best way of trying this question was by a reference to the state of the joint-stock banks in the City of London. It appeared to him that those banks stood in a very delicate position if a period of pressure came upon them. They all of them had large deposits, and their means of meeting them consisted of securities, which it might be difficult to realize in a moment of panic. This state of things required a great deal of caution, prudence, and foresight; and was it to be supposed that a limited amount of prudence, caution, and foresight, would improve this state of things? He thought that limited liability would not give so much security as unlimited liability. In fact there were no such reckless traders as those who were under limited liability. A striking example of that was afforded by the railway companies, who were playing, not with their own money, but with that of the public, and every one knew the result. He did not think it was the best time to legislate on this subject, when their feelings were excited from the disclosures respecting the British Bank. But the British Bank after all did not pay so bad a dividend. It paid 16*s.* in the pound, 8*s.* was paid already, and another 8*s.* was to be paid soon. And he doubted whether it would have been so much, had it been established on the principle of limited liability.

MR. RIDLEY regretted that the subject under discussion had not been brought on when there was a fuller attendance of hon. Members, because no division which might be taken could afford any criterion of the real opinions of the House upon this question. Although he should be inclined to vote for the Amendment which had been proposed by his hon. and learned Colleague, he was not at all sure that it would be desirable at present to extend the principle of limited liability to joint-stock banks, nor was he prepared without further investigation to admit that limited liability, as adopted in commercial transactions generally, had been attended with those advantages which many persons attributed to it. With respect to the proposition of the hon. Member for Dudley (Mr. H. B. Sheridan), he thought that that would be even less satisfactory than the present system; because, if it were sanctioned, he feared that directors who were inclined to speculate rashly would proceed, not upon the basis of the £100 paid upon each share, but of the £200 or £300 additional for which every shareholder would be liable. They must not forget that a very large amount of the trade of the world was carried on by credit, and that was done through the faith men had in the unlimited liability of the great firms, or the small firms, through whose agency they carried on the commercial speculations. He thought the question ought to wait some little time before they took decided action upon it.

Sir JAMES GRAHAM said, that attracted by the great importance of the subject they were then discussing, he came down to the House to have information upon it. He had heard some important speeches on the subject; but, seeing the small attendance of Members, looking at the period of the Session, and remembering the inquiry which was now proceeding before the Committee on banking upstairs, where this subject was being fully investigated, and where the most competent witnesses had been examined on the very points under consideration, he did not think that the hon. and learned Member for Newcastle would do justice to the subject which he had undertaken, if he pressed it to a division in the present state of the Committee. He (Sir J. Graham) should be sorry also if at this time, when the subject was undergoing investigation and inquiry, the Government were prematurely to commit themselves to any fixed opinion with regard to it. He agreed with the hon. Member for Kendal (Mr. Glyn) and with the hon. Member who had last addressed them that they had not yet had sufficient experience of the result of limited liability in other concerns to justify them in agreeing to extend that principle in the present state of their information on the subject to banking. The hon. Member below him (Mr. Hastie), who had a large experience in these matters, was greatly opposed to the principle of limited liability generally; and, without urging any arguments upon the Committee with reference to the merits of the question, which he wished to be altogether suspended for future debate and decision, he (Sir J. Graham) reminded them that the onus of proof would rest with those advocates of limited liability who contended that there ought not to be an exception in the case of banks, and that limited liability ought to be extended to those establishments. Before that point could be decided, however, he thought that it would be desirable to test more than had yet been done the applicability of limited liability to commercial operations generally; and under the circumstances, he appealed to the hon. and learned Member for Newcastle not to press his Amendment to a division.

Mr. LOWE said, that he thought the right hon. Baronet (Sir James Graham) had given his hon. and learned Friend some very good advice. The object of the present Bill was not to prejudge the question to which his right hon. Friend had referred, but to effect a practical improvement in the manner of winding up joint-stock banks. His hon. and learned Friend well knew what his opinion was with respect to limited liability, but he did not think that he would promote his object by taking the decision of the Committee in that stage of the question. Indeed, the only result of doing so would be that he might miss a practical advantage in a vain attempt to obtain a speculative one.

Mr. HEADLAM said, he fully concurred with the right hon. Baronet that the present state of the House and the advanced period of the Session certainly were not favourable to do justice to the subject of limited liability. He thought, however, he was justified in bringing forward the subject, in order that it might receive that public attention which its great importance demanded, for he had no doubt that the more the question was considered and discussed the more would the principle which he had advanced gain weight and favour; but, after the appeal which had been made to him by the right hon. Baronet the Member for Carlisle, he should not press the Amendment which he had proposed.

Amendment *withdrawn.*

Clause *agreed to,* as were also Clauses 4 to 11 inclusive.

Clause 12.

Mr. H. B. SHERIDAN said he wished to know why the Government had fixed the shares of joint-stock banks at £100 each. He thought such a determination was most extraordinary, as he could not see why ten shareholders of £10 were not as good as one shareholder of the larger sum.

Mr. A. W. KINGLAKE said, that the Bill would in his opinion lead to the creation of banks which would not afford sufficient security to the public. Under this Bill banks called the Royal Board of Trade

Bank, or the Royal Robert Lowe Bank, would be established, and the public, led away by these attractive names, would be induced to invest and deposit their money in them.

Mr. LOWE said, that he knew of no valid reason why the amount of the share should be £100 more than any other sum, but the law was so now. With regard to the more important question raised by the hon. Member behind him (Mr. Kinglake), it was not the object or intention of this Bill to throw any securities round the trade of banking. As the law now stood any six persons could form a private bank, and he merely proposed that seven persons should have the power of doing what six persons could do, under a corporate name, and making them capable of suing and being sued under that name. He did not think it was possible for any Government to protect the public. Individuals must protect themselves by their own vigilance and care. The law required the British Bank to have a certain amount of paid-up capital, but every one knew how that law had been evaded. Every other trade in this country was practically free, and he saw no reason whatever for making an exception in the case of the present banking trade. He could understand why existing bankers should oppose the Bill, but he could not understand why any one should oppose it on the part of the public. He was sure of this, that no freetrader could oppose it.

Mr. H. B. SHERIDAN said he did not feel satisfied with the explanation, and he should therefore move that the shares be fixed at £10.

The CHAIRMAN said it was not competent for the hon. Member to move the Amendment. The question was that the Clause stand part of the Bill, therefore no Amendment could be put.

Clause *agreed to*, as were the remaining Clauses.

House resumed; Bill *reported*; as amended to be considered *To-morrow*.

MALDON ELECTION.—REPORT.

House informed that the Committee had determined,—

That Thomas Sutton Western, esquire, is duly elected a Burgess to serve in the present Parliament for the Borough of Maldon.

That John Bramley-Moore, esquire, is duly elected a Burgess to serve in the present Parliament for the Borough of Maldon.

Mr. A. W. Kinglake

And the said determinations were ordered to be entered in the Journals of this House.

That the Petition presented against the Return of the said John Bramley-Moore, Esquire, was frivolous and vexatious:

That the said Petition was presented chiefly with the view of inducing other persons to withdraw a Petition presented against the Return of Thomas Sutton Western, Esquire.

Report to lie on the Table.

INSPECTOR OF LUNATIC ASYLUMS (IRELAND)—QUESTION.

Mr. CAIRNS said, he wished to inquire of the Chief Secretary for Ireland whether the statement which has appeared in the public newspapers, that Dr. Hatchell has been appointed Inspector of Lunatic Asylums in Ireland, was correct; and, if so, whether Dr. Hatchell has had any and what experience in the management of Lunatic Asylums, or in the treatment of the insane?

Mr. H. A. HERBERT, in reply, said that the announcement which had appeared in the papers relative to the appointment of Dr. Hatchell as Inspector of Lunatic Asylums in Ireland was perfectly correct. With regard to the second part of the question of the hon. Gentleman, Dr. Hatchell had never been connected with a Lunatic Asylum in a public capacity, but as surgeon to the Irish Constabulary, which office he had held for nine years, he had had frequent opportunities of inspecting and treating lunatics. He was educated in Stephen's Hospital in Dublin, which was in connection with Swift's Lunatic Asylum, where he had ample opportunities of observing the treatment of the lunatic. He (Mr. Herbert) might add that Dr. Hatchell had been twenty-four years a Fellow of the Royal College of Surgeons in Dublin, had been an M.D. for twenty-three years, and his appointment by the Lord-Lieutenant had been generally approved by persons who knew how well qualified he was by his skill and experience for the office in question.

COMMUNICATION BETWEEN DUBLIN AND LONDON.—QUESTION.

Mr. REPTON said, he would beg to ask the Secretary to the Treasury, If the Government have finally settled the arrangement for an improved communication between London and Dublin, and whether he would have any objection to lay the Minute on the Table?

MR. WILSON said, that in consequence of the absence of Lord Chandos, the arrangements had not been definitively concluded, but he trusted they would be in a few days.

THE MERSEY CONSERVANCY BILL.

QUESTION.

MR. J. TOLLEMACHE said, he would beg leave to put a question, of which he had given notice, to the right hon. Baronet the Member for Carlisle (Sir J. Graham), on the subject of the remarks that fell from him in delivering the decision of the Committee on the Mersey Conservancy Bill. The right hon. Baronet had stated upon that occasion that the Committee had felt relieved of a great difficulty involved in the question which had been referred to their consideration by the fact that the House had, in assenting to the second reading of the Bill, given their sanction to the principle on which it was founded. The question he wished to ask of the right hon. Baronet was, whether he had meant by that statement to express his belief that the House of Commons, by assenting to the second reading of a Private Bill, was to be considered, according to the present practice of the House, to have so far affirmed the principle of the measure as to preclude a Select Committee from inquiring into that subject?

SIR GEORGE GREY said, he felt bound to ask the House whether the question was one which ought to be addressed by one hon. Member to another. There was the greatest licence allowed to Members in putting questions as to matters of fact; but the present question referred to a mere matter of opinion, and ought not, as he (Sir G. Grey) thought, to be asked.

MR. J. TOLLEMACHE said, that as a point of considerable importance, as regarded the conduct of their business, was involved in the question, he hoped Mr. Speaker, in that case, would state what was the rule of the House.

MR. SPEAKER said, the hon. Member and the House must be aware that he had not the facts of the case before him in such a way as to enable him to express any opinion upon the point.

MR. J. TOLLEMACHE said, he would merely ask whether the House, in agreeing to the second reading of a Private Bill, was supposed, according to its present practice, to affirm the principle of the measure.

MR. WALPOLE said, he considered the question raised to be one of great importance, and if his hon. Friend (Mr. J. Tollemache) wished to have the decision of the House on it—and the House might ultimately decide, whatever opinion Mr. Speaker might then express,—he ought to bring it forward on notice, and not trouble Mr. Speaker to express an opinion when the facts were not before him.

OATHS VALIDITY ACT AMENDMENT.

LEAVE.

LORD JOHN RUSSELL rose, and was proceeding to address the House, when

MR. NEWDEGATE said, that before the noble Lord proceeded with his Motion, he wished to have the opinion of Mr. Speaker upon two points of order. He believed that in every preceding case where Bills had been brought forward with the avowed object of altering the oaths to be taken by hon. Members of that and the other House of Parliament it had been held that, according to the rules, usage and precedents of Parliament, set forth in the Standing Orders, it was necessary that leave to introduce such Bills should be moved in the Committee of the whole House. He had never known any deviation from that practice. The noble Lord (Lord J. Russell) had avowed that although the object of his Bill was nominally only to declare the meaning of the 1 & 2 *Vict.* c. 105, its real object was to alter the practice of Parliament with regard to the oaths taken in that House, for the purpose of admitting Jews and other non-Christians into Parliament. It was contrary to the standing orders of the House, that a second Bill for the same purpose as a former Bill, should be introduced in the same Session. The noble Lord sought, in fact, to effect the same object to accomplish which some seven or eight Bills had been submitted to the House, in as many successive Sessions. He (Mr. Newdegate) did not remember any instance in which the House had departed from the practice of requiring that such Bills should be introduced by Resolution in Committee of the whole House, and he begged to ask Mr. Speaker whether the noble Lord was not bound on the present occasion to follow the course which had been previously pursued? He (Mr. Newdegate) had not ascertained that the practice of the House of Lords was exactly similar to the practice adopted under the Standing Orders of that House, which required that Bills affecting religion should be introduced in Committee of the whole House, but he found that when a debate arose during the Session of 1838 upon the Report of the then Bill which now formed the law which the noble Lord wished to alter, certain portions of the Bill which might have accomplished the object the noble Lord had now in view were struck out before the Bill reached the House of Commons. He (Mr. Newdegate) therefore hoped Mr. Speaker would favour the House with his opinion, whether the noble Lord ought to be allowed to introduce this second Bill upon the same subject as a former Bill of this Session; and whether the noble Lord ought not to follow the precedents he had himself established by repeated practice; ought not, in this instance, to comply with the Standing Orders, by moving his Bill in Committee of the whole House?

Lord JOHN RUSSELL said, that before Mr. Speaker replied to the question, he wished to explain that he did not propose to make any alteration in the oaths. Whenever he had proposed an alteration in the oaths, he had—conceiving it to be a matter affecting religion—proposed that the House should go into Committee of the whole House to consider the Resolutions he submitted to them. The proposal he had to make to-night did not, however, involve any alteration of the oaths, but related to the manner in which the oaths might be taken. It would not affect the oaths any more than the Bill allowing Quakers to make an affirmation instead of being sworn on entering the House.

Mr. SPEAKER: Looking to the notice of Motion given by the noble Lord, and considering the noble Lord's proposal, so far as I am able to understand its nature, from the terms of the notice it does not appear to me that it would be irregular for the noble Lord to introduce this as an amending Bill in the manner he now proposes to introduce it.

Lord JOHN RUSSELL. I now propose, then, to go on with the Motion of which I have given notice. I propose, Sir, to bring in a declaratory Bill of what I believe to be the existing law—declaratory of what I believe to be the general principle of the law of this country—and applying that law to the High Court of Parliament as well as to other places. Now, it was stated the other night, and will probably be stated again to-night, that it is an extraordinary thing to propose to bring in a Bill, which, if successful in this House, would have the effect of submitting to the House of Lords a proposition with the result of admitting the Jews to Parliament,—a result to which they have already declared themselves opposed. But, while I admit that—although, as I conceive, I am perfectly justified in point of form—I contend that, although the Motion itself is extraordinary, yet the present position of this question is more extraordinary still. The House is aware that four times this House has sent to the House of Lords Bills relieving the Jews from their liabilities. It is aware that in the present Session a Bill was sent for the purpose of altering the oaths altogether, and, indeed, of making a new oath, but containing a provision, or rather the absence of a provision, by which the Jews would be admitted, and that that Bill was again rejected by a majority of the House of Lords. Now, I do not believe that it has ever occurred in the Parliamentary history of this country, that a measure so approved by the House of Commons has been so continually rejected by the House of Lords. I believe it will be found that the House of Lords have rejected measures to which they were adverse while they considered that the representatives of the people showed by their divisions such narrow majorities that it might well be doubted what would ultimately be the sense of the House of Commons on the questions in dispute. In that manner no less than three times has the House of Lords rejected Bills for the relief of the Roman Catholics from the disabilities to which they were subjected. But when it became clear from the large majorities with which the House of Commons sent the Bill to relieve the Roman Catholics to the other House, that the sense of the people was in favour of the measure, that other House accepted the Bill, and thereby affirmed the decision of the House of Commons. Sir, it may be said—possibly it has been said—that there was this difference,—that the Roman Catholics in Ireland were then so turbulent and disaffected, that they were on the eve of a civil war, and that therefore it was expedient to yield to their demands. But I don't think the rejection of our Bill would be made more reasonable or palatable to this House by being told that no argument would suffice to convince the other House of Parliament, and that nothing but a state of disquiet, verging on disaffection and civil war, would induce the other House to yield to the opinions of the House of Commons. It is therefore in these extraordinary circumstances that I consider some course must be taken by this House. There is another view of this subject, however, which affects hon. Members who sit on this side of the House, as well as those who have sent them to Parliament. It will be remembered that during the elections, what ever might have been the opinions of the people at large respecting foreign affairs, there was in many counties and in many boroughs an unequivocal demonstration in favour of the extension of the suffrage and of other measures having relation to Parliamentary Reform. When the Members who were elected upon the declaration of their entire sympathies with those wishes arrived and took their seats in Parliament, they were told by the noble Lord at the head of the Government, that it was not intended to introduce any measure upon that subject in the present Session. Accordingly not only was no general measure proposed, but various minor Bills for doing away with the property qualification, for extending the right of voting in counties, and for regulating the manner of registration, have been all postponed in consequence of that declaration. But the Government who had thus put a stop for the present Session to all other Motions for reform, undertook of their own accord and of their own motion the relief of the Jews from the existing disabilities. Now, that question of Jewish disabilities — without speaking now in reference to this respectable body of men of the Jewish persuasion who are aggrieved by the present state of the law—does happen to form the only remaining link of disability connected with religious feeling. As the repeal of the navigation laws was the crowning point—the capital of the column of free trade—so likewise the relief of Jewish disabilities would be the crowning point—the capital of the column of religious liberty. It is for this reason, therefore, that the measure has, in the eye of all who value religious liberty, a peculiar importance. Well, Sir, this measure is rejected by the House of Lords after having been carried in this House by a majority of 140; and the question now is, what is to be done? Hon. Gentlemen opposite say, naturally enough —I don't quarrel with them for that proposition—lay the question entirely by for the present year, and bring in a similar Bill next year, or the next year after that, and have it rejected in a similar manner by the House of Lords. Now, I contend, Sir, that the majority of the House of Commons who have affirmed this principle of religious liberty ought not to allow themselves to be so baffled. Be the measure of redress what it may—be it by such a Bill as that which the Government brought in, be it by such a Bill as the one which I now propose, or be it by Resolution—I am not saying in what way it should be done—but I am convinced that it behoves the dignity of this House—that it deeply affects the public privileges of this House—that it concerns the dignity and privileges of this House even more than religious liberty itself, but it also concerns religious liberty—that we should not allow ourselves to be so baffled. I think, Sir, it cannot be denied, so little is the progress that is made by any argument that can be adduced—by any weight of public opinion as shown by the votes of this House—that there is no chance that the next ten years, if we proceed in the same course, will be spent more profitably than the last ten years, or that at the end of that period we shall see the Jews nearer to admission or more relieved from disabilities than at this moment. Sir, conceiving this question to be a very serious one, I have wished to interpose a measure which might not partake of the apathy of resting content with what has been done, and should yet avoid going to the extreme of a Resolution of this House, and thereby running the risk of a conflict with the House of Lords. If the Government are prepared to support strenuously such a Bill as I now propose to bring in—if they are inclined to give it a better chance in the House of Lords than their late Bill had—if they are inclined to take up this measure which I propose, I think, Sir, we might look to an end of this contest. But if they are not so prepared, it is not my intention by introducing the Bill to mislead the House by telling them that such a Bill, depending only on my own efforts, is likely to receive the approbation of the House of Lords. I will now enter into a statement of the nature of the Bill I propose to introduce. I have said it will be a declaratory Bill. It will be, as I propose it, a declaratory Bill of the existing law. Now, the first thing I propose to lay down is that, according to the general principles of the law of England, when oaths are to be taken, they are to be taken in the manner and with the forms and ceremonies that are binding on the conscience of the person taking them. That principle, as far as regards witnesses in a court of justice, was laid down by Lord Hardwicke, assisted by the two Chief Justices and the Chief Baron, in the celebrated case of *Omichund* v. *Barker*. Lord Hardwicke in that case struck out of the Commission issued for the purpose of examining witnesses, the words "On the Holy Evangelists," and directed the Commissioners to inquire what forms and ceremonies were binding on the conscience of a Hindoo, who was the person to be examined. The Commissioners reported the particular ceremonies which they found would be binding. The case was argued at considerable length, and we have the authority of Lord Hardwicke and the learned Judges who sat with him in favour of taking an oath in the manner most binding on the conscience of the witness. In the course of the discussion the Chief Baron said, "It is objected to us that we are passing by our own authority a new oath, but I say, this is not a new oath." The Chief Baron meant to imply that the substance of the oath was entirely distinct from the forms and ceremonies which made it binding on the conscience of the person who took it. But then I am told that there is a distinction between witnesses taking an oath for the purpose of justice and persons taking an oath to qualify themselves for office or for seats in Parliament. What I maintain is, that in principle there is no distinction whatever. Upon what can you ground any distinction? Can you say that it is more important that a Jew should recover a debt of 3*s.* 10*d.* than that he should obtain the office of sheriff? No man can say that the one is more important than the other. It is of the highest importance that the ends of justice should be obtained. If a murder were committed, and none but a Mahomedan and a Jew were witnesses of that murder, it would be of the highest importance that they should be able to give evidence in a court of justice by taking an oath in the form which is binding on their consciences. No person will seek to diminish the importance of that mode in taking the oath. In view of the laws of England and of the liberties of England, which are the birthright of the people of this country, and are so declared to be by statutes, it is important that unless a person is absolutely disqualified by some rule of law or by some statute he should obtain the office to which he is legally appointed, or that he should obtain the seat in Parliament to which he has been legally elected. I think no man at this time of day will dispute that maxim. It was asserted in the House of Lords a century and a-half ago that there can be no greater hardship to an Englishman than to deprive him of any object of ambition to which he may properly aspire. Well, Sir, I do not doubt—I do not mean to question that there may be particular statutes, upon one ground or another, depriving subjects in this country of advantages which would otherwise belong to them. Not to speak of the law as regards minors and other persons disqualified for a time, it was the policy of this country to exclude Roman Catholics, and to impose upon them a declaration against transubstantiation. It was obvious that the intention of the Legislature in imposing that declaration was to exclude the Roman Catholics, who it was known would make no such declaration, and it would have been an obvious infringement of the very purpose of the laws if, when a Roman Catholic in those days came to the table, the declaration had been omitted. But, as regards an oath as it affects a seat in Parliament or holding of office, and an oath taken by witnesses in a court of justice, I imagine the only proper distinction to be the one which was taken by the learned Judges who gave their opinion against Mr. Alderman Salomons when he took his seat upon one occasion in this House. They said—and I bow to their decision in this respect,—"There is a great difference between the interpretation of the Common Law where the Judges may interpret according to what they believe reason and common sense require, and the interpretation of a statute in which the express words have been laid down by the Legislature." They said,—"With regard to the Common Law, it is in our power to accommodate it from time to time to what the interests of society require"—(and that I imagine was the pervading principle of Lord Hardwicke's decision in the case of *Omichund* v. *Barker* — "but when the Legislature has laid down particular words it is not for the Judges to say with what purpose they have laid down those particular words or to question what their meaning must be—that is beyond our province." I consider, however, that if it is beyond the province of the Judges, it is not beyond the province of the High Court of Parliament; on the contrary, that it is the privilege and duty of Parliament to say what was their intention in the words of the oaths which are administered. I come now to my second position, which is, that in the oath of abjuration so taken at the table, the words "on the true faith of a Christian" are not part of the substance of the oath, but are part of the solemn form in which that oath is administered. I think this point can be made clear in various ways. In the first place, it is made clear by the history of the origin of the oath. I referred the other day to Baron Alderson's statement, a statement only shadowing what is now perfectly well known from a treatise discovered in the Bodleian Library, that it was the doctrine of the Jesuits at that time that they were not bound by any words to keep their promises to heretic Sovereigns and heretic States, but that if they swore upon their faith they were bound to pay so much respect to that faith as not to violate the oath which they had taken. It was therefore with a view to bind those persons who had imbibed the doctrine of the Jesuits—a portion only of the Roman Catholics in the time of James I.—that the words "on the true faith of a Christian" were introduced immediately after the discovery of the Gunpowder Plot. It is therefore clear that from their origin the words were intended to supply a form more binding than any other form—more binding than the usual words, "so help me, God!" or any other words, in order to bind the Roman Catholics to the allegiance due to the Sovereign. With respect to the oath then introduced, as with respect to other oaths introduced since, as I shall presently show the House, the main object was not to test the Christianity of the person swearing, not to require a confession or declaration of faith, but to obtain an assurance of loyalty to the Sovereign—an assurance that the person swearing would enter into no treasonable plots against the Sovereign, but be a loyal adherent of that Sovereign against any claimant of the throne whatsoever. Upon the next occasion when the oath appeared there is further evidence that such was the intention. In the 13 *Will.* III. it was declared that the refusing the oath of abjuration, which was then for the first time introduced with these words, "on the true faith of a Christian," should subject persons to the following penalty:—

> "Every person so offending shall henceforth be deemed a Popish recusant and convict to all intents and purposes whatsoever.'

Does it mean that the Jew, refusing to take the oath, would become a Popish recusant? Is it not evident that it was intended thereby to say, that Roman Catholic persons, who refused that oath, should be deemed Popish recusants, and considered disaffected to His Majesty King William III.? It went on,—

> "And shall be disabled henceforth from taking a seat in both or either House of Parliament."

It is clear that such, therefore, was the meaning of this oath; but I come now to the second proof, that this is not part of the substance of the oath, but it is part of the ceremony and form, and that proof is, that whenever Parliament has dispensed with taking the whole of the oath they have relieved persons from those words "on the true faith of a Christian," while they have not relieved them from the substance of the oath. Such was the case with regard to the Quakers in the reign of William III. In the 8 *Will.* III. Quakers were relieved from these words. The Acts regarding Quakers have been renewed from time to time. There were Acts of George I., Acts of George II., Acts of George III., and there was one passed after Mr. Pease took his seat in this House, which provides an affirmation in which the words "on the true faith of a Christian" are left out. Now, what is the purpose of this? Is it that a Quaker is not a Christian, or that he objects to declare that he is a Christian? By no means. No Member of the Society of Friends would have the least objection to a declaration, if it were thought necessary by Parliament to have one, that he professed the Christian faith. But these words "on the true faith of a Christian" were reckoned as part of the form of abjuration, and as such they were left out in the case of the Quakers. That is so true that up to the present day every member of the Society of Friends has taken the whole substance of the oath, has declared against the whole of the Stuart family, has declared against any pretender to the Throne, which is the substance of the oath, but has not declared "on the true faith of a Christian." A further proof of this is with respect to the Jews themselves. When Parliament wished to relieve the Jews, which it did, from certain penalties, from the obligation to register their estates, if they did not take the oath of abjuration, it said that the words "on the true faith of a Christian" should not be applied in that case. But there is a further proof in what a Parliament of this country did at the time when it really wished for a religious profession. There was a time—it was during the Commonwealth—when it was thought desirable, which it has not been thought since, to obtain a positive profession of faith from Members of the

Commons House of Parliament. It was then enacted that the following declaration should be taken :—

> "I, A. B., do, in the presence of and in the name of God Almighty, promise and swear that to the uttermost of my power, in my place, I will uphold and maintain the true reformed Protestant Christian Religion, in the purity thereof, as it is contained in the Holy Scriptures of the New and Old Testament, and encourage the profession and professors of the same."

Now, here is the sort of declaration that a Parliament or a Protector or a Sovereign would enact if he or it really wished for a profession of religious faith ; and if the hon. Gentlemen, who have so long contended against us with respect to any alteration of the oath, desired to bring this matter to a fair decision, they should propose some positive declaration of Christianity by which their principle could be tested —a principle which they have always asserted to be the principle of Parliament, but which clearly is not, and never has been, the principle of Parliament. I contend, then, from all these proofs—from the origin of the oath in the time of James I., from the enactment of the oath of abjuration in the time of William III., from the laws exempting Quakers, and in certain cases Jews, from the obligation of the oath of abjuration ; and, lastly, from the positive declaration contained in the Act of the Commonwealth—that it clearly appears that the words "on the true faith of a Christian" form no part of the oath, but are part of the form and ceremony introduced to make the oath more binding upon Roman Catholics, and that they are so much out of place at the present day that the only persons who are not obliged to declare "on the true faith of a Christian," besides the Quakers, are the Roman Catholics themselves, on account of whom these words were originally introduced. I come, therefore, to the question, in what manner is that which is not part of the substance of the oath to be omitted when a Jew appears at the table of this House to be sworn. Now, Sir, with regard to this part of the subject it may be said that this House has —and I believe it has—a power which the Judges of the land perhaps have not—the power, if it should think fit to exercise it, of stating by a Resolution that the words "on the true faith of a Christian" are not part of the substance of the oath, and that Baron Rothschild, being admitted to that table shall take the oath in the form binding upon his conscience—viz., without these words "on the true faith of a Christian." But it is a question for consideration whether we should use our power in that respect, and thereby expose ourselves to the contest that may ensue. On looking through the speeches which have been delivered by learned men upon this subject, particularly those of Sir William Page Wood, now one of the Vice-Chancellors of England, and of the present Attorney General, I find that, although they are full of arguments which are convincing to my mind with respect to the nature of the oath, they do not afford a solution of the practical difficulties in which we might be involved if we attempted by Resolution to settle this great question. Sir W. Page Wood said, upon one occasion, that there were many questions in which the House might decide differently to a court of law, and that we ought not to be deterred from it by the fear of coming into collision with another place ; that may be so, but I conceive there is no case similar to this where that course could be followed. It appears to me, in the present state of this question, that if we could obtain by a Bill in a different form from any that have been introduced the assent of both Houses of Parliament to a declaration which I believe would be in entire conformity with law, such would be a far better method of ending this question than using our extreme power by admitting Baron Rothschild of our own vigour and authority to take the oath with the omission of the words "on the true faith of a Christian." I stated at the beginning of what I have had the honour to address to the House that it must to a great degree depend upon the Government whether there may be any chance of carrying such a Bill. I cannot think that with a majority of 140, with a Ministry having the support of the country—as they affirm and I believe truly they have—the opposition of the House of Lords, which has been overcome in so many instances, which was overcome on the Roman Catholic question, on the corn law question, and on numerous other questions, would be successful in the present case. I remember that very strong objections were entertained by many noble Members of the House of Lords to a Bill which passed here with regard to the temporalities of the Irish Church. Many persons expected that that Bill would be thrown out in the House of Lords ; but the Conservative party was then led by a man who united to very great authority, to a long life of glory and distinction, the greatest wisdom and prudence in civil affairs, and by the advice of that man a great many of their Lordships—I believe as many as would have formed a decided majority of the House of Lords—refrained from opposing the Bill, and it was carried into a law. With respect to another measure—the Bill for repealing the Navigation Laws—which was brought forward when I had the honour to be a Member of Her Majesty's Councils, and which was carried through this House by my right hon. Friend the Secretary for the Colonies, the Government declared that they would not accept a defeat upon that question, which they considered to be one of vital importance. What was the result? That Bill was carried, although I cannot believe to this day that it was the wish of the House of Lords that the Navigation Laws should be repealed, thinking, as I do, that upon that subject their opinions and feelings were quite as strong as those they entertain with respect to the Jews, which, after all, are rather prejudices than settled opinions. With regard to the authority of this House I beg leave to quote a statement that was made by Chief Justice Fortescue, when he was consulted, along with the other Justices, relative to a threatened arrest of the Speaker when the House was in Committee, and which has often been quoted with respect to the privileges of this House of late years. Upon that occasion Chief Justice Fortescue and all the Justices answered and said :—

> "They ought not to answer that question, for it hath not been used aforetime that the justices should in anywise determine the privilege of this High Court of Parliament, for it is so high and mighty in its nature that it may make law, and that that is law it may make no law. This is a question of their privilege, and the determination and knowledge of their privilege belong to the Lords of Parliament and not to the justices."

That was the declaration of Chief Justice Fortescue, and it is stated to refer to a time when the House of Lords were using their powers in a manner which I do not deny they were competent to do, but certainly in a manner which was a very strong exercise of the privileges of that House. An hon. Gentleman who spoke on the last night, when it was not convenient for the House to hear my explanation, seemed to suppose in reference to the decision of the House of Lords last year in the case of Lord Wensleydale, to whom a life peerage had been granted by the Crown, I had disputed the competency of the House of Lords to deal with the question. I did not dispute their competency, but I do say that when Lord Coke had given his opinion that life peerages could be granted by the Crown, and when in later days Lord Redesdale gave an opinion that peerages of the United Kingdom, granted by the Crown, carried with them a right to a seat in Parliament—I must say it was carrying to the utmost the privileges of the House of Lords when it declared that a Peer who came with a patent granted by the Crown by the advice of the Queen's Lord Chancellor, should be refused admission to that House. The House of Lords, however, have exercised that power, and I have no doubt they did so according to their conscientious convictions, after examining all the authorities which were examined by the most learned among their Lordships; but they decided they had the power, and proved it by establishing a precedent in that case of the Wensleydale Peerage. I am glad, although it is somewhat grating, to find that the House of Lords can exercise that power without question (and the Government, I think, were well advised in not bringing the question before a court of law); but the House of Lords having come to that decision, unquestionably without having any dispute in any court of law upon the subject, I must say it is somewhat grating to us—it is grating to my constituents in the City of London, to be told that we have not the power of admitting an hon. Member to take his seat among the Commons of England, although he may have been duly elected according to law. It is impossible to believe that the House of Commons can continue much longer in that state, which I must be permitted to call a state of humiliation. I therefore ask the House to allow me to introduce the Bill. I ask them to introduce it in order that hon. Members may see it, and be enabled to form an opinion whether it will solve the difficulty at issue. I do not think hon. Gentlemen opposite have a right to flatter themselves that this question is to be laid to sleep for the next ten years. I think we are bound to pursue it in one form or another. Let us do so with as much moderation as we can. We have already shown much moderation. The City of London has shown great moderation, but I do not think this is a period in which we ought to adopt a precedent showing that, whatever may be the power of the House of Lords, whatever may be the powers of the other branches of the Legislature, the House of Commons is utterly powerless upon a great question of public policy—a question involving principles of liberty—a question involving the highest principles of law; that we are utterly impotent, and have nothing to do but to sit down with degradation and humiliation. With these opinions, and with a view of bringing the matter under the consideration of the House, I now ask for leave to introduce a Bill to amend the Act 1 & 2 *Vict.*, c. 105, entitled "An Act for removing doubts as to the validity of certain oaths."

MR. WALPOLE: I cannot but regret that the noble Lord should have felt it to be his duty to introduce a Bill at this period of the Session which in spirit, at least, if not in letter, is the same measure as that which Parliament has already discussed and decided. The noble Lord said we were placed in a somewhat extraordinary position, but I ask the noble Lord, who is it that places us in that position? We are indeed, placed in an extraordinary position since the general practice of Parliament has been violated, not on account of any pressing emergency, not because there is any great object to be attained, but because, forsooth, the noble Lord is disappointed in his expectations of being able to place a member of the Jewish community in the House of Commons during the present Session. Now, I will concede to the noble Lord that the letter of the rule which prohibits in the same Session a second discussion of the same Motion has not been violated by him upon this occasion, for the Bill which he seeks to introduce is not in form the same with that introduced by the noble Lord (Viscount Palmerston); but in spirit at least, as he himself admits, the two propositions are, in fact, identical. No one knows better than the noble Lord that if the great rule governing our proceedings were to be abolished, and we were to have reiterated discussions of the same topics in the same Session, there would necessarily ensue a great conflict of decisions in this House; there would be danger of hon. Members being taken by surprise, and of constant vacillation and changes of opinions, which would be anything but creditable to ourselves or beneficial to our constituents. It is for these reasons that the rule I have alluded to was adopted, and I put it to the noble Lord if a Member of his weight and influence in the House deviates from it upon this occasion whether other hon. Members, who take equal interest in other subjects, will consent to remain quiet without bringing their views again before us. There are questions more exciting, and in which the people take a deeper interest than they do upon this question, and are hon. Members to be precluded from reiterating their views upon those subjects while it is permitted to the noble Lord to renew the discussion of this particular subject? There are many persons in this country who take a deep interest in the question which was brought under our notice by the hon. Member for Warwickshire (Mr. Spooner)—the Maynooth grant; others who feel deep interest in the proposition advocated by the hon. Member for Bristol (Mr. H. Berkeley)—the Ballot; others are interested in the repeal of certain taxes, while others again feel great interest in the abolition of church rates, or on the question of Parliamentary reform; and is the noble Lord prepared to say that these subjects shall be discussed over and over again in each Session? The noble Lord will, no doubt, say this is not the same measure as that which we have already discussed, and that is true, I admit, in the letter, but not in the spirit. The Bill of the noble Lord (Viscount Palmerston) was to substitute one oath for three, while the Bill of the noble Lord, as far as I understand it, is to be a declaratory law, simply to affirm that Jews may take the oath of abjuration without the words "on the true faith of a Christian." But, although the form of the Bills may differ, the noble Lord, like the noble Viscount, has argued the question as one relating to the admission of Jews to Parliament; and no one can doubt but that this is the real question. The noble Viscount urged the passing of his Bill on the grounds of civil and religious liberty—the noble Lord has rested the claims of his on the ground of the unjust exclusion of the Jews on account of their religious opinions. It is idle, therefore, to attempt to throw dust into our eyes by saying the measure is a different one. Upon that ground alone, if I had no other objection, I should oppose the introduction of the noble Lord's Bill. But is there not another objection! Is there not the danger of bringing yourselves in direct collision with the House of Lords? And if you bring yourselves into more direct collision with that House, is there not danger of what the noble Lord says now exists, but which I do not admit—the degradation and humiliation of this House? The noble Lord, in one part of his speech, made an allusion which I did not distinctly understand. He said that if the Government had taken the usual course in passing measures which they produced, the former Bill might have become the law of the land. What the noble Lord means by that I cannot exactly comprehend; but this I know, that one of the greatest advocates against this measure in the other House of Parliament supported the Government on that occasion; and I also know that the majority for the second reading in this House, instead of being less, was greater than it had ever been before. I think it is a little too much to say that because the House of Commons has passed a Bill this Session different from any that was ever proposed before, and because the House of Lords has rejected it, you are to try another experiment, which may bring you into direct collision with that House. My second reason, therefore, for opposing the introduction of this measure is, that you will bring about that very degradation and humiliation which I do not admit now exists, but which is declared to exist by the noble Lord. But another reason is, that we are now at the end of the present Session, when the noble Viscount has told us our days are numbered—when we have this very evening been told that one of the most important measures of the Government cannot be proceeded with in Committee till Thursday week, because there is so much business before the House—when you have grave questions to discuss, among others the Marriage and Divorce Bill, that will occupy us for at least a week—when you have to go into Committee of Supply and of Ways and Means—and above all, when you have to look to the most important of all important questions that now affects not only this House and country, but the whole of this empire, the question of India; when these great and important matters are before you, are you to be called on again to consider a measure that has already this Session been debated and settled? The Noble Lord knows that there are no days on which this measure can be fully discussed before the Session is over, or any chance of getting this measure through; and if that be so, I put it to the House whether it is a wise or a prudent course to introduce it to the House? These are the grounds on which alone I beg to oppose the introduction of this Bill, and in stating them I think I have said sufficient to show to the House that the leave for which the noble Lord asks ought not to be granted. I purposely forbear to enter into the question itself, because, first, in my view of the case it has been discussed and settled; and secondly, because the arguments are so much exhausted that I believe nothing new can be brought to bear upon it before the House. But, though I do not mean to discuss the merits and demerits of this question, there are some remarks of the noble Lord which I think ought not to be passed by in silence—remarks not borne out either by the observations he has made or by the statute to which he has referred. The noble Lord has told us that the words "on the true faith of a Christian" are not part of the substance of the oath, but only part of the form and ceremony in taking it. ["Hear, hear!" *from the Ministerial benches.*] Well, but the Gentlemen who cheer that statement would have cheered to the very echo the contrary statement when the noble Lord made that admirable answer to the argument of the learned Vice Chancellor which the noble Lord has quoted to-night. In that answer he contended that the words "on the true faith of a Christian" were not merely formal. Since that time what has happened? The question has been submitted to the highest tribunal of the country. It was there argued with great ability by the hon. and learned Member for Suffolk (Sir F. Kelly). Everything was said that could be said to show that the words "on the true faith of a Christian" were part of the form, and not of the substance of the oath, and might be dispensed with; but the Judges of the Court of Exchequer were three to one on the point, and on the appeal to the Exchequer Chamber the Judges were unanimous. But, notwithstanding that solemn decision, the noble Lord comes here with all the weight of his authority and tells the House that those words form no part of the substance of the oath.

LORD JOHN RUSSELL: I said the Judges had not decided the point, and that what they decided was that the words having been put there by statute could not be left out.

MR. WALPOLE: I hope the noble Lord will again read the decision. But if the noble Lord wishes an argument that will convince him that these words are a part of the substance of the oath, I will satisfy him by a reference to two statutes passed in the reign of George II.—the one an Act for the better security of the King's person and government; and the other, for naturalizing members of the Jewish religion in His Majesty's colonies in America. Those statutes run thus:—

> "Whereas the following words, 'upon the true faith of a Christian,' are contained in the oath of abjuration as part of the oath, be it enacted that when any of his Majesty's subjects of the Jewish persuasion shall be required to take such oath, he may omit these words.'

The statutes did not give the power to use another form of words, for it was distinctly stated that they were part of the oath of abjuration, and the words implied that they belonged to the substance and not to the mere form of the oath. In another part of his speech, however, there dropped from the noble Lord a most ominous sentence. He said he thought this House ought not be left in a state of humiliation, and that it ought to take some steps immediately, be it by Bill or be it by Resolution, to settle this question. [*Cheers.*] If I interpret aright these cheers it is high time the two sides of the House should understand each other. The noble Lord made sundry remarks about the power of Parliament, and he quoted a passage from Chief Justice Fortescue as to what that power was. But the power of Parliament is a totally different thing from the power of the House of Commons. If we are to understand by the power of Parliament the power of the House of Commons, the sooner that is avowed the better. The oath taken at that table is contained in an Act passed, not by the House of Commons alone, but by the two Houses of Parliament, and by the authority of the Crown; and if any Member shall sit in this House without taking that oath he is liable to penalties. Can this House relieve him from penalties imposed by Act of Parliament and sanctioned by the Crown? Is the House going to enter into a conflict, not merely with the House of Lords, but with the Courts of law? Are you prepared to set yourselves above the judicial tribunals of the country? There was a time when a King of this country attempted to dispense with our laws, and it produced a revolution. There was also a time when the House of Commons attempted to legislate without the House of Lords and without the Crown, and of itself to make laws for this country. Let me point out to you what followed, as it appears from the Journals. I have extracted from the Journals three Resolutions then passed, which I will read to the House. The first Resolution was dated January 4, 1646, and was as follows:—

> *Resolved,*—That whatever is enacted or declared for law by the Commons in Parliament assembled, hath the force of law, and all the people of the nation are concluded thereby, although the concurrence of King or House of Peers be not had thereto."

[MR. COX: That was in the days of the Commonwealth]. Yes, just before the Commonwealth, and anybody who sets up this House of Commons above the House of Lords and the Crown establishes a Commonwealth. Then, on February the 8th, 1648, I find the following, and you will see that the House of Commons had taken a rapid start:—

> "*Resolved,*—That the House of Peers is useless and dangerous, and ought to be abolished, and that an Act be brought in for that purpose."

And this, on the 7th of February, 1648, led to the following Resolution:—

> "*Resolved,*—That the office of King in this realm, and that the powers thereof in a single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and good of the people, and that it ought to be abolished."

Then we are told that this was at the time of the Commonwealth. It shows what kind of Commonwealth you will arrive at if you once set aside the laws. I would rather that you let fifty Jews into Parliament in a regular way than that for the purpose of introducing one you should break through the constitution, and incontestably destroy our liberties for ever. If ever any such attempt should be made I have still so much confidence in the noble Lord, notwithstanding his wavering expressions to-night, and so much confidence in the whole country, that I am sure they would think you had arrived at the last pitch indeed of humiliation and degradation if it were assented to. The noble Lord, in that plausible manner, I was going to say, but in that popular manner I will say, in which he can put any proposition before this House, has ingeniously attempted to draw a comparison between what took place last year with respect to the Wensleydale Peerage, and a Resolution which might now be proposed in the House of Commons to seat Baron Rothschild. Nobody knows better than the noble Lord that of all kinds of logical reasoning none is more beautiful than that which is drawn from analogy, but unless the analogy be complete none is more misleading and deceitful. The House of Lords, as the hereditary branch of the Legislature, has privileges of its own which ought not to be taken away. One of the privileges of the House of

Lords, as the hereditary branch of the Legislature, is similar by analogy to one of the privileges of the House of Commons, as the elected representation of the people. The privilege of the House of Lords, as the hereditary branch of the Legislature, is to determine for itself whether, according to law and the constitution of the country, those who claim to have a seat in it are entitled to that seat or not, and the privilege of the House of Commons as the representative assembly elected by the people, is to determine for itself, as it does, unchallenged, whether those who come here to take a seat are or are not entitled to that seat. But the privilege of the House of Lords and the privilege of the House of Commons are both limited and circumscribed by law, and when both assemblies have passed an Act of Parliament which makes it requisite that something should be done before a Peer can take his seat under the patent, or before a Member can take his seat in this House, as elected by the people, then they are bound by the law of the land, and their privileges cease at that point. Now, the best mode of illustrating the distinction between the noble Lord's line of argument and mine is simply to suppose what would be the case if Baron Rothschild were made a Peer. He then could no more take his seat in the House of Lords until he had taken this oath, "on the true faith of a Christian" than now he can here. The real analogy begins and ends there. The analogy intimated by the noble Lord is really no analogy whatever. It does not apply to a statutory requisition. Well, then, the first reason which I wish to submit to the House, in all calmness and moderation, why it should not allow the introduction of this Bill is—because, though it may not violate the letter of your rule of proceeding, yet it is against the spirit of that rule. The spirit of that rule unquestionably is that for the despatch of business, to prevent surprise, and to carry on the proceedings in an orderly manner, we ought not to discuss the same question twice in the same Session. On this is founded my first great objection to the introduction of this Bill. My second great objection to the introduction of the measure is, that I think for this House unnecessarily to put itself now in conflict with the House of Lords would be taking one of those courses which wise statesmen have always deprecated, and which, in my opinion, ought to be much deprecated on the present occasion. I have a third objection to the Motion now before the House, which would have weight even if the other two could be got over, but which when they are borne in mind, is still more powerful. I think that on a question of this kind it is not right at the latter end of the Session, when we have got more business on hand than we can possibly get through, that we should add unnecessarily to our labours and prevent the despatch of more urgent business. These are three main reasons which I offer against the introduction of this Bill; but if the Bill should be brought in, then would come again the question of principle, which would have to be discussed again. At present, however, I wish to confine myself to the objections I have stated, in order that the House may consider whether it would be advisable to take the course which the noble Lord proposes. More than this I need hardly say. I only trust, whatever may be the result of this Motion of the noble Lord, it will not be followed up by any attempt to make a Resolution of this House supersede every constituted authority in the kingdom, for if you once attempt to do that, you virtually and in reality create a revolution.

MR. DILLWYN said, that he must beg to state, in reply to the observations of the right hon. Gentleman who had read such a lecture to the House upon the dangers of tampering with the constitution, that neither himself, when he gave notice of a Resolution to allow Baron Rothschild to take the oaths in the way most binding on his conscience, nor any of his hon. Friends who acted with him, had any intention of entering upon any revolutionary course, and he could not forget that the most democratic suggestion ever made to that House—namely, that every militiaman should have the franchise, had emanated from the right hon. Gentleman. He therefore thought that the right hon. Gentleman might have been a little sparing of the lofty tone in which he addressed that (the Ministerial) side of the House. But though he (Mr. Dillwyn) was as little desirous as any one to tamper with the constitution, he did sincerely desire to see the constitution moulded as it had heretofore, from time to time, been, in order to meet the requirements of the age. He believed that he and those who had acted with him had kept to that object in the course which they had taken. He had not been able to find the Exchequer Reports in the library of the House, and therefore could not refer to the decision of the Court of Error in the case of *Miller* v. *Salomons.* But in searching for precedents in point upon the subject, he had found a decision which went very closely to the matter before them. He referred to the case of Mr. Pease, and he would venture to call to the attention of the House the statements which upon that occasion were made by Mr. Speaker's predecessor, Mr. Manners Sutton, a gentleman connected by birth and antecedents with the Conservative party in the House. That decision was laid down for the guidance of the House on the occasion of the election of Mr. Pease. When Mr. Pease came to the table and claimed to be admitted to a seat upon making an affirmation, Mr. Manners Sutton, according to *Hansard's Debates*, made this statement:—

> "Mr. Speaker said, he was sure that the House would feel, as he felt, that not only the law and the privileges of the House, but also the personal interests of the hon. Member himself were concerned, and that it was therefore necessary that a deliberate construction of the law as it existed should be obtained. That construction could alone be pronounced by this House itself."

He hoped, after such an opinion from an hon. Gentleman who had been connected with hon. Members opposite, who held what were called Conservative and constitutional principles, that he (Mr. Dillwyn) and those who entertained similar views would not be taxed with recommending a revolutionary course. He was most desirous of avoiding any collision with the House of Lords—he thought all collisions undesirable—and he believed that the mode of proceeding he had suggested would have prevented such a collision. He thought the House had pursued a weak and dangerous course in declining to interfere in the case of Alderman Salomons, and allowing the question to be submitted to the Courts of Law. Hon. Gentlemen would undoubtedly admit that it was their duty to maintain the privileges of the House of Commons, and that they ought not to allow the House of Lords to sit in judgment upon a question exclusively affecting those privileges. Suppose the House decided that Alderman Salomons should be sworn at the table in a form binding upon his conscience, that he took his seat, that he voted, that an action was brought against him in one of the law courts, that the judgment of the House was confirmed, that the question was carried to the Courts above, and the interpretation put upon the law by the House affirmed, an appeal might eventually be made to the House of Lords, who would sit in judgment upon the privileges of the House of Commons, and might perhaps reverse their decision. This was a matter which he thought deserved serious, but at the same time calm and temperate consideration. He confessed that he entertained considerable doubt with regard to the course which the noble Lord (Lord J. Russell) was pursuing. At the same time, in deference to the wish of the Liberal party—in deference to the high authority of the noble Lord, who was desirous of exhausting every effort of conciliation before recourse was had to what hon. Gentlemen opposite might consider revolutionary measures, he (Mr. Dillwyn) would support the Motion for the introduction of the Bill.

Mr. PALK said, this subject had frequently been argued with greet ability, but it was now placed before the House in a form which seemed to raise a question of much greater gravity and importance than the admission of Jews to Parliament. He honoured those who, year after year, consistently maintained the cause of the Jews; he admitted that some of their arguments were extremely forcible, and that the admission of Jews to Parliament would render civil and religious liberty complete. No one in that House had any objection to the Jews in respect to their own character. It would be absurd to suppose for a moment that Jews located in this country, and owning it as their home, would seek to injure the constitution of the realm; but he entertained strong objections to the course now taken by the noble Member for the City of London. He recollected that many years ago, when the noble Lord represented South Devon, he stated that his object in all reforms was to retain in undiminished integrity the constitution of the country, while such improvements were effected in that constitution as the lapse of ages might have rendered necessary. But what was now the noble Lord's position? He was urging a course which would bring the two Houses of Parliament into collision, and would destroy the constitution he had always declared himself anxious to maintain. What was the noble Lord's excuse? Was it that there were any strong popular demonstrations on this subject? No; the Bill for the emancipation of the Jews had been rejected this year, as it had been rejected year after year, but Manchester was not in insurrection; and yet Manchester and the large manufacturing towns had not been backward in vindicating popular measures on other occasions. In former times he remembered to have seen the streets of Manchester in the hands of a mob, or filled with military and cannon, but from what he knew of the present feelings of the inhabitants of Lancashire, he ventured to say that when they rose in insurrection it would be in defence of the Christian cause, and not in behalf of unbelievers and infidels. What excuse, then, had the noble Lord for urging his Bill upon the attention of the House? A great and important meeting of Members of this house had been called together at a pot-house over the way. That meeting was addressed by right hon. Gentlemen and by Members of Parliament who had held offices in the Government, but he believed it was far from unanimous. The one portion of the meeting was in favour of one course of action, the other advocated a different mode of proceeding, but some sort of unanimity was established by the seducing tongue of the right hon. Member for Carlisle (Sir J. Graham), and he understood that a deputation had this day waited upon the noble Lord at the head of the Government, with what success he did not know. If, however, neither the Prime Minister nor the country, nor his own meeting were with the noble Lord, upon what ground did he now attempt to thrust this question upon the House at the close of an unusually lengthy Session. The noble Lord (Lord J. Russell) had said that the House of Lords had yielded upon various occasions, but that had been in cases when the country forced them to yield upon questions of great national and political importance. It had been proposed to bring Baron Rothschild into the House and permit him to take that portion of the oath which he conscientiously could take, and then to declare it a breach of privilege for any one to prosecute him for voting without having taken the oath in its present form. Now, that was a point which any hon. Gentleman had a perfect right to urge, and to say that that House should be able by a Resolution to seat its own Members. If that right already existed it was only patriotic to urge it, and a court of law would easily have decided the question. If it already existed then a great many years had been wasted in debating the question; and if it should be decided that it did not exist, the House would only be in the same position which it occupied when the measure for the admission of Jews was first carried in that House and rejected by the House of Lords. The noble Lord had referred to the case of Lord Wensleydale, and had advanced it as an instance of the House of Lords vindicating their own authority. Now, what were the real facts of the case? Why, upon that occasion, when the House of Lords had refused admission to Lord Wensleydale, a Bill was introduced into the House of Commons providing for the formation of peerages for life for the purposes of the appellate jurisdiction. That Bill had been supported by the right hon. Gentleman the Member for Buckinghamshire and by the Government, and the noble Lord, who was regarded as the leader of the Conservative party, had strongly urged upon those who agreed with him in political opinions the expediency of supporting that Bill. For his own part he had disagreed with the noble Lord and with the majority of those who sat upon the same side of the House as himself, and had voted against the measure. That Bill had been rejected, but the House of Lords did not feel it necessary to call a meeting at the King's Arms, or to bring themselves into collision wtth the House of Commons, and he did not see now why the House of Commons on the present occasion should come into collision with the House of Lords, and most sincerely did he hope that the noble Lord the Member for London would not by any act of his tend to destroy that edifice of constitutional freedom which he had so long laboured to improve. He trusted that he would see the impossibility of carrying his Bill against the opposition which it would meet with, and that even if it did pass through that House the question would not be advanced one step, as the House of Lords would undoubtedly reject it. For these reasons he should give his vote against the introduction of a measure which he regarded as mischievous in itself, as likely to bring the House into collision with the House of Lords, and as not in any way tending to further the object which it had in view.

Mr. C. GILPIN said, that he thought the question had long ceased to be one of Jew or no Jew, or of the admission of Baron Rothschild into that House, and had become one which, on the one hand, affected the principles of religious liberty, and, on the other, the privileges and liberties of that House; and he could not help thinking that the right hon. Member for the University of Cambridge, in his anxiety to uphold the privileges of the House of Lords, had lost sight of those of the House of Commons. He would ask that House if it would submit, year after year, for the next ten years, to be rough-ridden by a majority of the House of Lords? The right hon. Gentleman had admitted that the House was placed in an extraordinary position, and he had inferred that that had been caused by those who sat on the side of the House upon which he (Mr. Gilpin) had the honour of sitting. Now he came to a different conclusion, and thought that the position in which the House was placed had been brought about by the conduct of the party with which that right hon. Gentleman was connected in that and the other House of Parliament. And when the right hon. Gentleman spoke of the constitution, his (Mr. Gilpin's) reading never taught him that it was intended that the two integral parts of the constitution, the Sovereign of the country, represented by her Ministers and the House of Commons, should be continually subservient to the majority of the body which formed the third part of the constitution. He could not but rejoice that the religious element had not been introduced into the present discussion; but when the hon. Gentleman who spoke last had used the word "infidelity," he could not help thinking that all the hon. Gentleman meant to say was that orthodoxy was his own "doxy," and that heterodoxy was everybody else's "doxy." It reminded him of the lines of Thomas Hood:—

> "A man may cry 'Church, Church,' at every word,
> With no more piety than other people,
> A daw's not reckoned a religious bird
> Because he keeps on cawing from a steeple."

He held that by no sophistry could this be made a religious question as it affected the Jew, for if Baron Rothschild, or any other person who was known to be a Jew, would come to the table and take the oaths, adding the words, "on the true faith of a Christian," although it was well known that he was not a Christian in the accepted term, no one would object, so that, in point of fact, the exclusion of the Jew was a penalty upon his conscientiousness. It was said that a collision with the House of Lords was a thing to be deprecated; and so it was; but it was still more to be deprecated that the elected representatives of the Commons of England should allow the deliberate and often-recorded decision of their majority on a point connected with their own constitution to be thus overruled, and their principles to become a dead letter because there was an adverse majority in the House of Lords. The hon. Gentleman had alluded to the absence of popular excitement, but it was new to hear such an observation from the other side of the House, for he generally found that hon. Gentlemen who sat upon that side deprecated popular excitement. For his own part he never had, and never would deprecate the freely expressed views of a popular assembly, but it was not wise for the other House of Parliament to wait for popular excitement before they consented to what a majority of the House of Commons and Her Majesty's Government considered to be an act of justice. The question, however, resolved itself into one of earnestness, or want of earnestness on the part of the occupants of the Treasury bench. If it was once understood that the noble Lord had determined to carry the Bill, it would be carried, and it was for the noble Lord to say if he pleased—

> "Princes and peers may flourish or may fade,
> A breath can make them as a breath hath made."

If the noble Lord announced his intention of standing or falling by the Bill, the Bill would certainly pass into law.

Mr. NEWDEGATE—If, as has been urged by the hon. Member for Northampton (Mr. Gilpin) this question has no bearing on religion, this House has for the last ten years been pursuing a course the most wanton that can be conceived. But I assert that on no occasion has this question been considered otherwise than in connection with religion. We have seen the attempt made to enable Baron Rothschild to take his seat. He came to the table, and the Clerk tendered him that work of inspiration which embodies the foundation of our faith as Christians. We saw Baron Rothschild reject Christianity at this table. ["Oh, oh!"] Hon. Gentlemen who have recently come into the House may cry "Oh, oh!" but I see older Members before me and around me, who well remember the circumstances connected with the first appearance of Baron Rothschild at the table of this House and his refusal to be sworn on the Gospel. [Mr. Roebuck: "Hear!"] The hon. and learned Member for Sheffield has reminded me by that ironical cheer that he himself, in attempting to settle the admission of Baron Rothschild by Resolution, found himself in a very small minority. That proposition was opposed by the noble Lord the Member for the City, and to that opposition he trusted that that noble Lord, whatever other change his opinions might have undergone, would still adhere, and that this House will never imperil its own authority, or the constitutional freedom of all classes of her Majesty's subjects, by yielding to the doctrines of the hon. and learned Member for Sheffield. I repeat, Sir, that Baron Rothschild rejected the Gospel at this table, and claimed to be sworn on the Old Testament. The House most unwisely, as I think, admitted that claim, for, by adopting the course then pursued, the House only got into a difficulty; the decision of the Courts of Law proves that I was not wrong. I ventured to put a question to you, Sir, as to the form of the Motion now before us, and you have said that there is nothing in the Motion to lead you to pronounce that it should first have been considered in a Committee of the whole House. But the Standing Order to which I referred says, that no Bill concerning or relating to religion shall be brought into this House without being first considered in and agreed to by a Committee of the whole House. I ask whether, after the words in the oath, to which Baron Rothschild objects, have been declared by a court of law to constitute a religious test have been deliberately rejected by one claiming to be a Member of that House, it is possible for hon. Members to divest themselves of the idea that this is a religious question? The noble Lord the Member for London urges the House not to remain in its present state of degradation. He would have the House believe that the country thinks the fact of this being an exclusively Christian assembly a degradation? [*An ironical cheer from* Mr. ROEBUCK.] Does the hon. and learned Member think it a degradation to be a member of an exclusively Christian assembly? If he took the opinion of the House on that question he would find himself in a smaller minority than followed him the other night. If any degradation is inflicted on this House, the country believes it is inflicted, not by those who wish to preserve the Christian character which it has upheld for more than a thousand years, but by those who seek to debase the test by which we enter this House, and to lower the morality to which we are bound by its forms. The degradation of this House will not be brought about by its continuing to be Christian. I regret that the noble Lord has sought to evade the Standing Orders of the House. In his speech he avows the object of his Bill to be the same as that to which the House of Lords has refused its assent this very Session, and I need not remind the noble Lord that such Bills have always been introduced in Committee of the whole House. If the House decides that this question, which was treated as a religious question at the commencement of the Session, is religious no longer, I shall bow to that decision; but my own opinion is that the introduction of the Bill in its present form is a violation of the Standing Orders; and I trust that, whatever violent course may be proposed for our adoption, the House will at least respect its own forms. What, Sir, is the origin of this proposal? I will tell the House. At a meeting of the electors of the Ward of Cripplegate Without, before the late election, Baron Rothschild pledged himself to resign his seat unless a favourable decision as to the admission of the Jews were come to in this Parliament. At that time it was suggested that he should adopt the course previously taken by Mr. David Salomons; but Baron Rothschild said that he thought that course had given offence to the House of Lords; and the hon. and learned Member for the Tower Hamlets admitted at that meeting that the Courts of Law had decided that Baron Rothschild could not sit, or vote in the House without an Act of Parliament being previously passed authorising his admission. My interpretation of the attempt to introduce this Bill is, that the noble Lord the Member for London is seeking to relieve Baron Rothschild from his pledge to resign his seat, and to persevere in that course of annoyance to the House of Lords and to the best feelings of the country which the noble Lord the Member for London seems to be so ready to pursue. I am sorry that a man like the noble Lord should lend himself so far to the views of a small but active and influential portion of his constituents as to endeavour to bring about a conflict between the two branches of the Legislature. Indeed, taking the facts as I find them, I can only think that the noble Lord is urging on this conflict in the interest of an individual—a wealthy Jew, with a foreign title, who is ambitious of becoming a Member of the House of Commons. The noble Lord has endeavoured to raise a doubt as to the question of law; and the only plea for calling his Bill declaratory is that the words, "on the true faith of a Christian," are not of the essence of the oath. The opinions of

Baron Alderson have been quoted by the noble Lord, but not the result of his opinion after a full consideration of the case. Baron Alderson said that he did not think the oath taken at all if these words were omitted, and that Mr. Salomons voted without taking the oath of abjuration. Baron Parke (now Lord Wensleydale) was of opinion that the express words of the oath excluded those who are not Christians, and that to say otherwise would be to alter the law and not administer it. The Lord Chief Baron said that the Jews could not take the oath, and that he thought no one could doubt that if it had been pointed out to the Legislature who passed the laws, which embody and enforce the taking of that oath, that the oath would exclude all who were not Christians, they would have declared that such was their intention. The terms in which these learned Judges pronounced their opinion were these:—Baron Alderson, in the case of *Miller* v. *Salomons*, speaking of the words "on the true faith of a Christian," said—

> "I think, therefore, that the oath is not taken at all if these words are omitted by the person swearing, and Mr. Salomons has, therefore, voted without previously taking the Oath of Abjuration."

Baron Parke said—

> "The express words of the oath necessarily exclude all but Christians, and no intention to include all who are not Christians can be collected from the Act itself, or any other Acts on the same subject, or *in pari materia*, none can be collected from the history of the times in which those statutes were enacted."

Sir F. Pollock observed—

> "Here, I believe (in the statute 3 *James* I.), for the first time, as far as I am aware, is found the expression, 'upon the true faith of a Christian;' unto which oath so taken the person so taking it shall subscribe his or her name or mark. Apparently the effect of this statute was to exclude the Jews from any benefit that might arise, for they certainly could not take the oath according to the tenor (which is the same as verbatim, nor subscribe to it as so taken). And I think no one can doubt that if it had been pointed out to the legislature of that time that the effect was to exclude all but Christians from taking the oath, they would have replied that such was their intention."

It is but a flimsy pretence to say, that this is a declaratory Bill, when the Judges of the land have stated that the words of which the noble Lord wishes to remove the obligation in the case of the Jew are of the very essence and substance of the oath and of the Act containing it. I have long taken a deep interest in this question, and I cannot consider it beneath the dignity of this House to continue a Christian assembly. On behalf of my constituents, and of a large body of the thinking, sober, religious, and constitutional people of this country—on behalf of a large body of the learned professions, sanctioned by the authority of the Courts of Law, and supported by the decisions of the House of Lords—I protest against the effort now made to mislead the House into the belief that you are violating no principle by these many attempts to overawe and coerce a co-ordinate branch of the legislature, the constitution of which you propose to tamper with far more seriously than with your own. If a Jew or non-Christian were admitted to the House of Commons it will rest with the constituency sending him to say at each succeeding election whether they will renew their confidence in him; but let a Jew or a non-Christian be introduced into the House of Lords, and then the right to admission there becomes at once permanent to himself and hereditary in his family. It is to be presumed that his children will be brought up in his own belief, and however offensive the opinions of such a Peer or of his successors may be to the House of Lords, that House will have no means of escape, for the House of Commons will then have saddled on the Upper House in perpetuity those who deny the truths of Christianity, in however offensive a form they or their successors may do so. A class of persons educated in such a belief will then of right sit and vote in that illustrious assembly, while the rest of its Members cannot be relieved from their presence and interference except by some Act reversing the unwise legislation which the House of Commons is now attempting to force on them. The House of Lords represents the highest intelligence and the best feelings of the country; it could not have opposed the House of Commons on this question for so many years had it been otherwise, and when I hear the hon. Member for Northampton (Mr. Gilpin) threaten that illustrious assembly with the popular excitement, I warn him that if he attempts to create a popular agitation on this subject throughout the country, the religious feelings of the people will awake as they did in 1754. [*Ironical cheers from the Ministerial side.*] Aye, those were only half-hearted cheers. Hon. Members opposite laugh as boys whistle when passing at night through a churchyard. I say you are assailants of the great principle that Christianity ought to be as it has been, the fundamental faith and morality of the State and Parliament of England; and I challenge you to appeal to the country on this subject, confident that the result will be to affirm the recent decision of the House of Lords. Mr. Bernard Van Oven, one of the ablest advocates of the Jewish faith, wrote in a letter addressed to the Baroness Rothschild, that Baron Rothschild ought to be admitted to the House of Commons because England is not a Christian country, and therefore ought not to be represented by a Christian Legislature. That is, perhaps, true in logic, and if you are now about to declare that Parliament should no longer be Christian you ought to hold that England is not a Christian country, and, therefore, is unduly represented by a Parliament which is Christian. But however logically true such conclusions might be, I believe the genuine and prevalent feeling throughout the country is that the premises are false, for that England is Christian, and should continue to be represented by a legislature wholly Christian. I feel strongly on this subject, but am fully persuaded that you will not succeed in overbearing the decision of the House of Lords. The noble Lord the Member for the City of London departs from all constitutional principle in the course he is taking. I regret that his connection with the City of London (which was somewhat threatened, by-the-bye, at one time) should have induced him to take so dangerous a course. I shall persevere in my opposition to this attempt on the part of the noble Lord, and I venture to urge on the House that whilst it would not be consulting its own dignity in adopting the course now recommended, there is no degradation in its continuing to be, as heretofore, a Christian assembly.

MR. COX said, he could assure the hon. Gentleman that he had no desire, in voting for the admission of Baron Rothschild, to unchristianize the House of Commons. The question was one of civil and religious liberty. Having granted emancipation to the Roman Catholics, and abolished the Test and Corporation Acts for the relief of the dissenters, it was no more than simple justice that when a constituency elected a Jew as their representative in Parliament, he should have the right to take his seat, and carry out the duty to which he had been delegated. The citizens of London had shown their feeling in the matter by electing the Baron Rothschild over and over again, and he (Mr. Cox) had no doubt that if the Baron was by the decision of the House now called upon to redeem his pledge by resigning his seat, that they would again elect him. The citizens of London and the electors of the Metropolis generally were determined that the question should be brought to an issue; and whether by the House of Lords agreeing with the House of Commons in a specific enactment, or by a Resolution of the Lower House, vindicating their own privileges, it was the determination of the constituent body to have the matter brought to a final settlement. He regretted that all the Jewish electors of London had not been present to hear the speech of the hon. Member for North Warwickshire (Mr. Newdegate), it would have been such an excellent lesson for them in Christian charity. The noble Lord now proposed to introduce a Bill, with the view of bringing the question once more under the consideration of the House of Lords during the present Session. He (Mr. Cox) did not think such a proceeding politic or judicious. He had prepared a Resolution, which he had intended to move by way of Amendment to the noble Lord's Motion, in the following words:—"That this House has, and always has had, the right and power of admitting Members to sit and vote on taking such oath or oaths, or on making such affirmation or affirmations, as the House deems fit. Resolved, that in administering the oath of abjuration to any member who objects to the words 'on the true faith of a Christian,' as not being binding on his conscience, the clerk be directed to omit those words." He should have been very glad to raise a discussion on this Resolution, nor should he have been daunted by its being denounced from the opposite side as a revolutionary proposition: but some of his hon. Friends who agreed with him on the general question, did not concur in the propriety of his submitting this Amendment, and he was therefore reluctantly induced to abandon the intention. It was said that such a proposition was revolutionary. But was the House master of its own proceedings or not? Had the House the right to alter the oath? [*Cries of* "No, no!"] Why, they had altered the oath. They had altered it on their own responsibility to facilitate the admission of Quakers. [An hon. MEMBER: No! under the authority of a statute.] He contended that if they were competent to alter it in the case of the Quakers, by omitting the words "so help me, God," they were equally competent to direct the omission of the words "on the true faith of a Christian" in the case of Jews. He regretted that the noble Lord proposed to bring the House into collision with the House of Lords—not that he cared for such collision, for the two Houses had been in collision heretofore. They were in collision for two or three Sessions on the Reform Bill, and he was not aware that either the country or the House of Commons suffered from it in the end. He was sorry to say that the House of Lords was too far behind the age. It was the House of Commons who had to go back at intervals to their constituents that represented the voice of the people, not the House of Lords, and let collision come when it might the House of Lords must in the end give way.

MR. LIDDELL said, that, though he had on previous occasions supported measures for the admission of Jews to Parliament, and was prepared to do so again at a fitting opportunity, he could not give his assent to the proposition of the noble Lord the Member for London. Amongst the social questions which had long agitated the House, the Jewish Question held a high place, and though there was much to be said in its favour on the ground of principle, yet it was one of those which rested chiefly on the ground of policy. However, he considered it a flaw in the constitution to allow a person to be elected by the constituent body, and then for the elected body to shut their doors against him when he came to take his seat. As a matter of policy, it was high time that the contest between the Legislature and the electors of London should cease, and, though he looked with considerable anxiety to the termination of the still more important contest between the two branches of the Legislature, yet he could not make up his mind to support the noble Lord in his present course. With great deference to the noble Lord, he thought he had taken a very inopportune moment for raising this question. It had already been very fully argued and decided this Session, and the noble Lord, though he had said that he wished to avoid a collision with the other House, had entirely failed to show what there was in the Bill that would make it more palatable to the House of Lords than other Bills which had been sent up to them. And he (Mr. Liddell) would ask whether it was not clear that any measure having the same result would have a similar reception in the same quarter? He thought that the abnegation of the right of concurrent legislation to the other House was not too strongly designated by the word "revolutionary." It might be very interesting for the noble Lord on the one hand, and the hon. and learned Member for Stamford on the other, to marshal their forces on this battle field, but he thought the noble Lord might have employed his time and his talent to better advantage than in re-raising this question. Were we not on the eve of receiving news which might be of so grave a character as to exclude every other subject from the public mind? The House, too, was in the middle of the discussion of social questions of the greatest importance, and ought they at the end of a Session, without the slightest prospect of arriving at any satisfactory result, to entertain a question which in the same Session had been settled? There was another mode of settling it, which certainly appeared to him likely to be more satisfactory, more successful, and more simple, viz., by Resolution. Only last year the House of Lords refused to receive peers for life, and asserted the principle with a very high hand. He wanted to know why the House of Commons should not lay down a rule by which they could admit among their Members whom they chose? There was only one reason for not adopting that course, and with that they had no concern whatever,—the question of penalties. But if they wished to protect the respectable gentleman, whom he was proud to call his friend, from those penalties, he wanted to know why they could not declare that any one commencing an action against him for taking his seat should be deemed guilty of a breach of privilege? There was a precedent for such a declaration, which, if not precisely similar, was somewhat analogous. When a witness was called upon to give evidence before a Committee of the House, which would render him liable to an action for defamation of character, he applied for an Act of Indemnity, and the Act of Indemnity protected him against the action. He wanted to know what there was to prevent the same course being taken to protect this gentleman from the consequences of taking his seat? Upon constitutional grounds he confessed he might be altogether wrong, but upon a common sense view of the case he could not see why that course should not be pursued. If the noble Lord had a precedent for reviving the question in the same Session, he hoped the House would not imitate it, and if the noble Lord had no precedent, he hoped the House would not constitute one on this occasion. Anything more mischievous could hardly be imagined, and he trusted the House would not assent to the proposition of the noble Lord, although he could not stultify the vote which he gave in favour of the admission of the Jews by voting against it.

MR. AYRTON said, he would beg permission of the House to make some remarks as one of the constituents of the Baron Rothschild, although he should have abstained from doing so if personal allusions had not been made to him. The hon. Member for North Warwickshire, (Mr. Newdegate) had quoted statements which he made during the election of Baron Rothschild, and those statements he was prepared to justify. It was due to Baron Rothschild to say, in reference to his pledge to the citizens of London that he would retire if the measure failed, that when its failure occurred in the other House, he happened to be sitting next to Baron Rothschild, and the first expressions to which he gave utterance were that he would go and resign his seat and redeem his pledge. He said to Baron Rothschild in reply, "I trust I may be permitted to tell you, as one who promoted your election, that you ought to do no such thing. It is not your question, but our question. I hope you will retain your seat until we have had an opportunity of considering what course will be most beneficial, not for you, but for the great cause which you were elected to maintain." He therefore thought that Baron Rothschild stood acquitted of any want of sincerity in the pledge which he gave, or of any want of alacrity in fulfilling it after the Bill was rejected. It was because he entertained the opinion which had been ascribed to him that he thought it absolutely necessary that legislation should take place, and was ready to support any measure that might be introduced for the purpose of enabling Baron Rothschild to take his seat. He did not think that the House would be justified in proceeding by Resolution. He admitted that the House was the only tribunal which had the power to decide upon the conditions under which any hon. Member should be permitted to sit and vote, and thought that the privileges of the House had been expressed in clear and explicit language in the Aylesbury Resolutions; but he could not overlook the fact that those Resolutions contained a proviso to the effect that where any question affecting the privileges of the House had been settled by an Act of Parliament the House should consider itself bound to abide by that decision. In other words, while the House claimed for itself the right to determine every question relating to its privileges, it expressly excepted those cases in which it had abdicated that right by becoming a party to an Act of Parliament. Supposing that they were to proceed by Resolution, what was the Resolution to which as honourable men they would be bound to come in the event of Baron Rothschild presenting himself at their table? In that case it would be the duty of the House to regard itself as a judicial tribunal, bound by the same principles of reason, justice, and right as prevailed in the ordinary courts of law, and bound, therefore, to adopt the exposition of the Judges as an integral part of the statute. Now, it was no longer a matter for discussion, but a point of settled law, that the words "on the true faith of a Christian" formed part of the substance of the oath of abjuration, and therefore the only Resolution to which the House could come, supposing it to proceed by that method, would be that Baron Rothschild, not having complied with the law, was not entitled to sit and vote in that assembly. He claimed for the House the right to come to a Resolution, but denied that that Resolution could be favourable to Baron Rothschild. The Act of Parliament was so clear that, as Lord Campbell remarked, it did not admit of a doubt, and it required that Members of the Legislature should take the oath, not with any diminution or subtraction, but in its integrity. The oath had been purposely constructed to catch the consciences of men at a time when the rights of conscience were not respected; no such oath would be agreed to now-a-days. The words "on the true faith of a Christian" were part of a sentence, the whole of which must be struck out if those words were omitted. He therefore maintained that it was not competent to the House to omit the words at the end to suit the convenience of any man, be he Jew or Gentile, because, if it were, he saw no reason why any other portion of the oath might not be struck out at the request of any other person who pleaded conscience. Parliament in passing the oath had deliberately declared that it must be taken by all men as it stood; and it was idle now, after an interval of nearly 100 years, to claim the privilege of altering the oath, which the Parliament at that day and since had by subsequently passing Acts shown it was not expedient to do. For these reasons he was convinced that Baron Rothschild must remain outside the House until he was legally admitted by statute. Besides, nothing could be more inconvenient to Baron Rothschild himself than for the House to proceed by way of Resolution, inasmuch as, although the decision of the House would be quite final as regarded his sitting and voting, he would still be liable to be sued in the ordinary courts of justice for taking his seat without complying with the statute. Let them not confound the privileges of Parliament with the exceptions to those privileges. The Aylesbury Resolutions declared it a breach of the privilege of the House to sue any person who acted upon its authority; but, as he had already stated, they excepted those cases in which Parliament had by statue otherwise provided; and in the very Act which declared that Baron Rothschild could not sit or vote without taking the oath, it was provided that if he did so he should be liable to be sued for penalties in the courts of law. By consenting to that Act the House had waived any power it might possess to allow one of its Members to sit without taking the oath, and had, in fact, remitted the question to the ordinary tribunals of the country. In what position would Baron Rothschild be placed if he were to be told by a Resolution of that House that he could take his seat and vote, while, at the same time, upon every occasion that he exercised that right he would be liable to be sued for a penalty of £500? He (Mr. Ayrton) objected to the adoption of any such Resolution, both as illegal in itself and as not tending to the advantage of the cause he advocated—namely, the admission of the Jews to Parliament. If such a Resolution could be passed now it might equally have been adopted years ago. No proceedings of the other House could justify such an illegal course. The intention to proceed by Resolution could not have been announced but as a threat, and at best it was but a futile threat; consequently he deprecated the use of such language as had been heard with reference to the privileges of the House of Lords. The proper and legal course was to proceed by Bill, and though it was said that this was a second Bill upon the same subject in one Session, yet he conceived there was a considerable difference. The House of Lords having rejected a Bill which affected the oaths to be taken by themselves as well as by Members of the House of Commons, it was now proposed to send up a Bill having a more limited operation, being confined solely to the House of Commons. He was not aware of the particular nature of the Bill which the noble Lord sought to introduce, but if he might venture to make a suggestion, it would be that the noble Lord should couch the oath he proposed in the words of the Act of George I., which prescribed the manner in which Hebrews should take oaths. But in considering the question before the House, he (Mr. Ayrton) was bound to ask himself whether it was of any use to introduce such a measure during this Session. The answer he would give to that query would depend upon what he might hear from the noble Lord at the head of the Government, for if the Bill was to be left to take its chance with the other orders of the day, like the Bills of private Members, it would be futile to permit its introduction. He had taken part in the proceedings of Saturday morning, not from any pleasure he derived from them, but to show that he was in earnest on the question. It was for the Liberal majority of the House to show that they were in earnest also, or the Bill would have little chance in the other House. On the occasion he had just referred to, Her Majesty's Ministers disappeared from the scene long before the close of the discussion. If, however, both the noble Viscount at the head of the Government and the noble Lord the Member for London were in earnest upon this question it would be necessary that the Bill should be proceeded with day by day until it was passed. When the hon. and learned Member for Sheffield spoke of reform, the noble Lord at the head of the Government turned round and told the House that if they dared to discuss that subject they should look out for another minister. This proved that it was in the power of the noble Viscount to exercise a great influence on that House, and he believed also on the other House. If the Bill which had recently been rejected by the House of Lords had been sent up as a measure which the Government were determined to carry, he had no doubt but many noble Lords would have regarded it in a different light. Instead of that it appeared that the Cabinet were not united in support of the measure, and one Minister of the Crown at least sanctioned the course which had been pursued by the majority of the House of Lords. The rejection of the last Bill he ascribed entirely to the manner in which it had been presented to the other House by the Government, and if the Bill now proposed was to be treated in a similar manner it would meet with the same fate. He therefore hoped the noble Viscount would inform them whether he intended to send up the Bill now proposed to the other House as the indignant remonstrance of the Commons, and as an expression of the determination of the Government to pass a law for the emancipation of the Jews.

MR. PACKE said, that he felt the House was placed in circumstances of much difficulty. If the proposition of the hon. Member for Swansea (Mr. Dillwyn) were carried, it would produce a conflict with the Courts of Law, while if the Bill of the noble Lord were passed, it would produce a conflict between that and the other House of Parliament. He thought it against the Standing Orders of the House that a Bill, if not exactly the same in words, certainly the same in spirit, as another just rejected by the House of Lords, should be sent up to their Lordships in the same Session as that rejection had taken place. He did not think this the time for discussing the question of the admission of the Jews. The question now was, whether a Bill having the same object as the one rejected, should be introduced the same Session. There were many questions which it would be very inconvenient to re-introduce in this way; and, on this ground, he opposed the proposition of the noble Lord.

VISCOUNT PALMERSTON: I will support the Motion of my noble Friend for leave to bring in this Bill. At the same time, as the description which my noble Friend has given of the Bill is not very complete, I shall reserve for future consideration the question whether, when the time comes, I can give it my support in its future stages. I need not state to the House that I was as anxious, and that my colleagues were as anxious as my noble Friend could be to settle satisfactorily this matter of the admission of the Jews to Parliament. The only question that could arise was as to the best and most likely method of arriving at that object, and as to what was the best time of the Session for doing so. I think it is well to speak frankly on the subject, and therefore, though I concur entirely in the object of the Bill which my noble Friend desires to bring in, I must reserve, till we see more clearly what its provisions are, expressing any more decided opinion, assuming at the same time that the Bill shall be such as I and my colleagues may feel it consistent with our views of the case to support at the other stages. Yet, in the present state of the Session, with many important Bills pending, and considering the short period which we have to give attention to these Bills, I could not undertake to postpone Government business for the purpose stated by the hon. Member below the gangway (Mr. Ayrton), that of pressing this measure forward. With that explanation of my intentions, I beg to say that I cordially concur with my noble Friend in his Motion for bringing in this Bill.

MR GLADSTONE: The question before the House is of such great importance, that I hope the House will allow me to say a very few words regarding it; and I am the more anxious to put forward this claim on your indulgence as I have been prevented by private circumstances from taking a part in the two debates that a Bill for a similar object to the present has this year undergone. If I had been in the House of Commons I should have felt it my duty to vote in favour of that Bill, and I should have felt it a duty equally clear to vote along with my right hon. Friend the Member for Carlisle (Sir James Graham) in favour of the Amendment of the hon. Member for Cork (Mr. Deasy), which would have had the effect of giving a character of equality and of generosity to the enactments of that Bill which, I think, in the form it passed the House, it did not altogether possess. But that Bill is numbered with the dead, and we have the proposal of a new Bill by my noble Friend the Member for the City of London. As I understand the discussion that has taken place the objections have been taken to that proposal on three separate grounds. It was said by the hon. Member for Warwickshire (Mr. Newdegate) that this is a Bill which ought to have been introduced in a Committee of the whole House, because it touches matters of religion; and it has been said by the hon. Member for Northumberland (Mr. Liddell), that it is useless to proceed by Bill, and that we should proceed by Resolution. On the other hand, a broader objection has been taken by those who contend that my noble Friend is unfairly reviving a proposal of great constitutional importance which has been once, after full deliberation, submitted to the House of Lords, and after full deliberation rejected by them, and with which, therefore, we are not to knock again at their doors in the course of the same Session. Now, in the first instance, I view with the greatest apprehension, mistrust, and dislike any proceedings in regard to this question which are likely to have the effect of bringing about a constitutional crisis. I have voted for many years in favour of the admission of the Jews, and I have voted in favour of a modification of the Roman Catholic oath. I do not repent of those votes. I am prepared on fair and fitting occasions to repeat them; but, on the other hand, I am persuaded we shall do wisely to limit ourselves in the main to the assertion, by constitutional means, of our own opinions, and to rest for the progress of these opinions on the good sense of the House of Lords. We have reason to repose confidence in that assembly with regard to its disposition to defer to the well-ascertained and often-repeated wishes of the representatives of the people. It is not because a particular question has arisen, on which there have been repeated expressions of a difference of opinion on the part of the House of Lords that we are at once to renounce procedure by Bill and have recourse to extreme measures. When I for one speak of the independence of the House of Lords, I speak of that which is no mere name or phantom, but of that which I am anxious to see maintained in practice as well as in the code as a sacred part of our constitution, and to which I attach a value second only to the value which I attach to the privileges of this House. But, rather than discuss that question in the abstract, I will quote a few words from a debate in a former Session, in which opinions were expressed by two hon. Members of this House which illustrate the sentiments that ought not and that ought to be entertained with regard to the independence of the House of Lords. An hon. Member of this House, in a discussion of which I need not particularize the cause, but which took place on the 8th of August, 1854, said:—

> "Why should not the House of Lords coincide in a decision to which the House of Commons had come after prolonged deliberation? He said that that was an exercise of the privileges of the House of Lords which the Commons ought not to tolerate."

That declaration, I am sorry to say, was made by an hon. Friend of mine whose constitutional opinions in general no man can doubt—the hon. Member for Whitehaven (Mr. Hildyard). And now, as I have laid before the House the bane, let me produce the antidote, for a most constitutional reply to this doctrine was delivered by another hon. Member, and that reply was as follows:—

> "The doctrines laid down by the hon. and learned Gentleman would lead to a complete revolution in the constitution of this country. For his part, he had always defended the constitution as composed of King, Lords, and Commons; and no man could be more anxious than he had always been that each of these bodies should perform its special duties in our legislative system. He had frequently complained that the Lords had overstepped their rights by sending Members to the House of Commons, but he had never insulted them by complaining that they had exercised their undoubted privilege of dealing as they might think proper with any Bill that might be submitted to their consideration. If they were not to be allowed to exercise that privilege, why, he would ask, should measures be brought at all before them?"

This reply proceeded from the mouth of no champion of exclusive privileges, no foe to popular rights, but the words were the words of the late Mr. Hume, then Member for Montrose; and, although that gentleman has parted from among us, and although his plain-spoken, homespun opinions are not at the present moment in as high fashion as they formerly have been, I am glad to take this opportunity of testifying my respect for his integrity and his patriotism. I therefore, for one, am not prepared to give any vote, as at present advised, unless under circumstances of the gravest character, which shall tend to bring about, or shall be fairly chargeable with tending to bring about, a constitutional crisis. When I look back at the course of legislation in this country—when I recollect the Corporation and Test Acts, the Bill for the admission of Roman Catholics to Parliament, the Reform Act, the Municipal Corporation Reform Bill, the Bills for the repeal of the Corn Laws and the Navigation Laws, and the Succession Duties Bill—when I remember how one and all of these Acts have been acceded to, sometimes with a conscientious reluctance, but always with an honourable and graceful concession on the part of the Lords to the well-ascertained wishes of the people—I am not prepared lightly to forego that confidence which I repose in the House of Lords, and I am prepared to say, that if that House conscientiously withholds its assent from a particular measure which it deems to be at variance with the principles of the constitution, it is entitled to give that judgment, and nothing but a consideration of the highest and most urgent public interest should induce us to interfere with its free and independent action. But now, Sir, having stated thus much by way of general principle, let me briefly refer to the objections taken to the Motion of my noble Friend. It is said, in the first place, that this is a matter of religion, which ought to be dealt with in Committee of the whole House. Well, I apprehend that if that objection be taken, it would be best to raise it by an express Motion, or else, Sir, submit the question to your authority as the Speaker of this House. If your opinion is, as I am assured, that the Bill stands well in its present position, and that we are guilty of no irregularity in discussing it, I, for my part, can no longer attach any practical weight to the objection; and, should any one dissent from the judgment which has been given by you, I apprehend he has no means of legitimately challenging your authority, except by submitting a Motion on the subject to the House. But, then, my hon. Friend the Member for Northumberland (Mr. Liddell)—to whom the House always listens with respect, on account both of the ability and the candour with which he states his opinions—says that he does not think it expedient to entertain a proposal like that of my noble Friend; he thinks it will be better for us to cast aside any further idea of legislation, to resort at once to the exercise of what he believes to be the power of this House, and to admit Baron Rothschild by our own Resolution. Well, now, I must confess it appears to me that there are very grave objections to the course so pointed out by my hon. Friend. I do not presume to give an opinion upon the construction to be put upon the law, but I confess I think that we ought not, in any case where the construction of the law is subject even to a reasonable doubt, to expose ourselves to the consequences of hazarding a particular interpretation. My hon. Friend says the only difficulty he can see is, that Baron Rothschild himself would be subjected to penalties, and this, he thinks, would be a matter for the recipient himself to consider and dispose of. Sir, I cannot agree with my hon. Friend in that opinion. It appears to me that if by Resolution we admit an hon. Gentleman to a seat in this House, we must defend that gentleman, at all costs and at all hazards, against the consequences to which he may expose himself through a reliance—it might prove to be an ill-judged reliance—upon the assurance which had been conveyed to him of our power. But my hon. Friend, feeling perhaps that nothing could be more indecorous than the spectacle of an eminent gentleman suffering in a court of justice for acts done by the authority of the House of Commons, said we might, after all, introduce a Bill of indemnity, for the purpose of shielding Baron Rothschild from these penalties. If, however, we introduce such a Bill, we are exactly in the same difficulty (whatever the amount of that difficulty may be) as we have now to encounter in the proposal of my noble Friend. It appears to me too probable that, if by Resolution we were to admit Baron Rothschild to-night, we might find that considerations of prudence would require us to introduce to-morrow a Bill of indemnity to defend him from penalties. Therefore, Sir, both because I am not satisfied as to the constitutional power of this House to proceed by Resolution—a matter which ought, I think, to be reserved for future consideration—and because I believe our power of resorting to such a course has been materially damaged by the measures of an opposite description which we have adopted on former occasions, I am unwilling to take a step which would probably end by involving us in that very legislative contest which is so much deprecated. I come now to the proposal of my noble Friend, and I have to ask whether that proposal is open to the objections which have been urged against its principle. Is it a repetition—insulting, as it might be called, if we adopted the language of Mr. Hume—is it a repetition, in substance, of the proposal made to the House of Lords once already, and by them once already rejected. Here, undoubtedly, it becomes most material that we should understand what the proposal is. The vote to be given by Her Majesty's Government, and the support they accord to my noble Friend, is apparently a conditional support, not accompanied, even when viewed on its most favourable side, by any very encouraging promises of future facilities, but which, on the other hand, when viewed on its unfavourable side, may be converted, when the provisions of my noble Friend's Bill are distinctly known, into positive opposition. I will, therefore, venture to state my construction of my noble Friend's proposal, and then I shall connect with it the vote which I personally intend to give.

Although I admit that it is not a case wholly devoid of gravity when a succession of Bills which have passed this House are rejected by the other House of Parliament, I confess I do not think the case before us is one of such gravity as would justify us in departing from the usage of Parliament, and in setting at nought the various considerations of prudence and constitutional propriety which sustain that usage, in order to send up to the House of Lords a substantial repetition of the proposal already made once during the present Session. If, however, I understand aright the proposal of my noble Friend, that is not to be the character of the plan which he submits. I do not now refer simply to the fact that the Bill passed a short time ago dealt with other matters besides the admission to Parliament of certain persons now excluded. The alteration of the oath of abjuration and the omission of the words "upon the true faith of a Christian" for all hon. Members of this House were undoubtedly material parts of that Bill, but they were not essential parts of it, and it was not on account of those provisions that the measure was rejected in the House of Lords. Without minute argumentation I think we may safely assume, that the reason for its rejection was that it proposed to remove exclusion from Parliament upon religious grounds altogether from our Statute-book. I should have been sorry to see a similar proposal repeated at the present moment. But my noble Friend has, if I understand him aright, thought that upon the one hand something might be due to the decision of the majority of the House of Lords, and that upon the other hand something was due, not only to the feelings of the constituency which he represents, but to the opinions expressed by so large a majority of the House of Commons. If I understand the plan of my noble Friend, he does not propose by the measure we are now discussing, to confer upon those who are at present excluded from Parliament upon religious grounds, a right to challenge admission into each House of Parliament by a modification of the oaths; but he proposes that it shall lie in the discretion of the body which is called upon to administer the oath to administer it, if they shall think fit, in such a form as shall be binding on the conscience of the person taking it. The distinction between these two modes of proceeding is most important. The first is a complete legislative solution of the question, systematic in theory and thoroughly logical; the second is, undoubtedly, only a partial solution. The practical effect of the second, I apprehend, will be, that if my noble Friend succeeds in carrying his Bill, Baron Rothschild will present himself at the table, and this House, as the authority which is empowered to administer the oath, will administer it to him, or to any other person not able to pronounce the words "on the true faith of a Christian," in the form in which it would be binding on his conscience. On the other hand, if this House were otherwise minded, it would be in its power not to administer the oath in that form; and if the House of Lords be otherwise minded, and if any Peer now sitting there should unhappilly (I may say so without offence) embrace the Jewish persuasion, and should present himself to take the oath in a form adapted to the Jewish conscience, the House of Lords would be free to refuse that permission; and adverting to the present state of sentiment in that assembly, it is no audacious supposition to believe that such permission would be refused. This is, no doubt, a compromise, but is it a very unfair compromise? Has it not this recommendation? In the first place, it is not a repetition of the proposition that has been made to the House of Lords, and by the House of Lords rejected. If it be in substance a material and essential variation from that proposition—a material and essential contraction of that proposition—why then, I say, there is not that constitutional objection to our making a new proposition to the House of Lords during the present Session which perhaps might be fairly urged if the same proposition were about to be renewed. And then although it may not immediately attain the whole of what my noble Friend considers to be due by justice to certain classes of Her Majesty's subjects now excluded from Parliament, yet surely it is no small merit in such a plan that it, at least, meets a most pressing and particular case. It solves the whole difficulty. It removes the whole of that scandal which arises when we see the machinery of our Government disturbed and dislocated by the repeated return to this House from the principal constituency of the empire of a gentleman who, by the state of the law, is now precluded from taking the oath at that table. All collision between the constituencies and the House of Commons, and between the constituencies and the law would at once be put an end to. The Jews, and with the Jews those who are in a similar condition to the Jews, would at once attain, if not the whole, yet by far the greatest part of the object they have in view—namely, the power of sitting by authority of law in the House of Commons as representatives of the people. Now, Sir, in venturing to state the construction that I put on the proposition of my noble Friend, of course, I have no title to pretend to do any such thing with authority. Bnt I have stated it as I understand it, because my opinion, if such be the proposition he intends to make, is that, as it is a proposition which meets the difficulties of the case, we may, not unfairly, entertain it. It is a proposition which, without making undue demands upon the patience of the House of Lords, and without the slightest detriment to the independence of the House of Lords, will, although not logically complete, practically gain by far the greatest portion of that which we have in view. And I must say, therefore, that I cannot but think that my noble Friend the Member for the City of London, whatever may be said of the character of the plan—and his plan is not usual, because the circumstances that give rise to it are not usual—in proposing a measure of this kind to meet the difficulties of the case—the rights of the two Houses of Parliament, the rights of the constituency of the City of London, and the desirableness of avoiding any shock or collision between the constituted authorities of the country—is entitled upon the whole to a favourable reception of that measure. It is not open to the constitutional objections that might have been urged against a larger measure, and acting in conformity with the opinions which I have expressed, I shall certainly give my vote for its introduction.

Mr. WHITESIDE said, it was very much to be regretted that the noble Lord the Member for the City of London did not himself expound his own measure, and it was a matter of congratulation to the House that one hon. Gentleman had appeared who professed clearly to understand it. But if the exposition which had been given of the Bill were correct, and if he rightly understood the description given of it by the right hon. Gentleman who had just spoken, with the most sincere admiration of his abilities, and the utmost respect for his opinion, he must say that of all the measures ever yet submitted to Parliament this was one of the most unprecedented and unconstitutional. The noble Lord at the head of the Government said he did not clearly understand this measure as explained by the noble Lord the Member for the City of London, and he (Mr. Whiteside) must confess he was in the same predicament. He did not accurately understand the measure proposed by the noble Lord, but he did accurately understand what had been just said by the right hon. Gentleman the Member for the University of Oxford. And what was the mode by which the right hon. Gentleman said all the difficulties would be solved, all questions removed, the scruples of the House of Lords obviated, and by which harmony and peace would take the place of dispute and discord? Why, this Bill, which the right hon. Gentleman undertook to expound, was to operate in this extraordinary manner:—If it were carried—which it never would be—the House was to be the authority which was to have the power to say in what mode the oath was to be administered. The House being that authority might direct its officers at the table to administer that oath in such a way as, at the particular time at which the House gave that direction, the House might think that the oath ought to be administered. If, therefore, a Quaker desired to take a seat in that House after his election, they might direct the oath to be administered in such a form as to admit him, and if a Jew appeared they might direct the oath to be administered in such a form as to admit him; and if the House should change its mind between that and the next Session of Parliament, it would have full power to direct the clerk to administer the oath in such manner as might reject him. That, as he understood it, then, was not a scheme to clear away all the difficulties. A man was to be a Member of Parliament, or was not to be a Member of Parliament, not according to the fixed law of the land, or according to the principles of the constitution as they were settled by statute or by usage, but according to the particular order or direction that, under this extraordinary Bill, when it was carried, the House might at any particular time give to its officers to administer the oath. Why, he was surprised—not, he confessed, at the ingenuity of the right hon. Gentleman, that was, supposing he had discovered the mystery of the noble Lord's Bill, and that his exposition of it was correct—but he was surprised at his assertion that he had made it more plain than before. He (Mr.

Whiteside) thought the Bill was more mysterious now than it ever was. He wished to know whether the noble Lord the Member for the City of London meant to lay down this as a constitutional doctrine, that this gentleman who was elected a Member of Parliament for London, might sit in the House at one time and be prevented from sitting in the House at another time, according to the variable determination of the House as to the mode in which a particular oath was to be administered? He submitted to the good sense of the House that, if that were the exposition of the noble Lord's Bill, it would be very difficult for the House, notwithstanding its respect for the noble Lord and its anxiety to give him an opportunity of expounding his own measure himself more fully on another occasion, to vote for such a Bill. He understood the noble Lord's measure to have relation to a little Act of Parliament which was passed to remove doubts as to the validity of certain oaths. He thought that the noble Lord really intended to extend the operation of that Act of Parliament. Well, he (Mr. Whiteside) happened to have been present when the circumstance took place which gave rise to it. A celebrated gentleman, Dr. Cooke, of Belfast, the eminent Presbyterian divine, refused to take the oath as proposed to be administered to him. The Chief Baron did not think that he had any power to allay the scruples of that eminent divine, and accordingly reserved the question. It became a matter of legal consideration in the courts above. Afterwards the Government passed that Act of Parliament, which consisted of a very few lines, and the object of which was merely to declare that, where the oath might have been taken in such manner as was binding upon the conscience of the individual, he should be liable to all the consequences of perjury in the same manner as if he had taken it in the form previously prescribed by law. But that did not in the least touch the question before the House as to the admission or the rejection of Jews. That Act was passed in the year 1838. If the learned Judges who decided the question had been of opinion that the oath of abjuration might be construed in the manner supposed by the noble Lord, he might be perfectly sure that those eminent persons would have given to it that legal effect and operation. If he understood the effect of this Bill, as expounded by the right hon. Gentleman, it would be to declare that to be law which existing Acts of Parliament declared not to be the law; because it would declare that by the law and constitution of this country, a Jew might be admitted to a seat in Parliament, whereas the law, as decided by courts of justice, was that a Jew could not be admitted to a seat in Parliament. However, the noble Lord might be able to explain what he really meant. And now, as to the other question which had been agitated—namely, whether Jews should be admitted by a mere Resolution of that House to take the oath, omitting the words "on the true faith of a Christian." When the noble Lord spoke in favour of legislation several of his supporters spoke in favour of a Resolution, and particularly the hon. Gentleman the Member for Finsbury (Mr. Cox), who referred to the case of the Quakers. But that hon. Gentleman must have forgotten for the moment that the case of members of that philanthropic section had been provided for by statute. If he would have the goodness to look into the Act of Parliament passed in the 8th of George I., he would find that it was distinctly provided that Quakers might take the oath of abjuration in a certain form therein prescribed. The hon. Gentleman was therefore utterly wrong in his notion about the law on that point. With great deference to the hon. Gentleman, he must say that he was as much mistaken when he said, that by the constitution of the country a Quaker might have had the oath administered in such form as he thought was not objectionable. A statute was required to authorize the administration of the oath in that form. No mere Resolution of the House of Commons could have dispensed, in the case of the Quakers, with the form prescribed as to the taking of the oath of abjuration, and equally powerless would be a Resolution of that House to make a law with regard to the Jews. And yet it appeared by the report of a certain meeting recently held that some persons in high authority in that House spoke very boldly of admitting Baron Rothschild by a Resolution. The noble Lord was certainly a most excellent authority on it, because he gave a sound opinion when an attempt was made to admit Mr. Salomons, he believed, by a Resolution. That attempt was made by the hon. and learned Member for Wolverhampton. The noble Lord, on that occasion, distinctly said, that he could not agree in what had been said by the hon. Members for Hull and Wolverhampton, who urged that the House of Commons might by a mere Resolution declare that Jews ought to be permitted to take the oath of abjuration, omitting the words "upon the true faith of a Christian." He (Mr. Whiteside), therefore, confessed that he was surprised that some of the noble Lord's supporters should have maintained out of that House—though not one of them, he believed, could maintain satisfactorily in that House—that a mere Resolution would solve the question. Now, what was the effect of a Resolution? It was a long time since his attention was drawn to the little book which he held in his hand. It was an edition of Fortescue's *De Laudibus Legum Angliæ*, published by Mr. Amos, a very learned person, who succeeded Mr. Macaulay in India as legal adviser to the Indian Government, and that was a strong recommendation of the work. The effect of a Resolution was discussed by that learned gentleman, who, like a good Whig, put forward many instances in which the House of Commons had by Resolution exhibited a despotic, tyrannical, capricious, and absurd course of conduct. The noble Lord himself (Lord J. Russell), in his *Essay on the Constitution*, made some very just observations on the same subject; but at the close of the note in the excellent work to which he had referred, he found this passage:—

> "Our judicial history exhibits some memorable instances wherein the attempt by the House of Lords to arrogate to itself a power with which the constitution does not invest them, has met with a resolute and successful resistance."

Then followed the words of Lord Mansfield, who stated that declarations of the law made by either House of Parliament were always attended with bad effects, and that he never thought himself bound in his judicial capacity to honour them with the slightest regard. Such was the opinion of the highest authority who ever adorned the judicial bench as to the effect of such a proceeding; and yet the House was asked to pass an unconstitutional Resolution which would place it in direct conflict with the Courts of Law. How, then, did this matter stand? They had had a debate on a most interesting subject, whether viewed in its legal or in its constitutional aspect; and what was to be the practical result? The noble Lord at the head of the Government said, not unfairly, that he could not quite understand this Bill. Was the noble Lord bound, then, to assent to the introduction of every Bill which he could not understand? Not clearly understanding the Bill himself, he meant for that reason to vote against it. Even if the noble Lord the Member for London were allowed to bring in the measure, he could not be congratulated on the prospect that his praiseworthy efforts to improve the Statute law, and to admit to the Legislature those whom he so much admired, would be crowned with success. No doubt the noble Lord at the head of the Government would religiously carry out the intention he had expressed—namely, that nothing should be made of this Bill during the present Session.

MR. HILDYARD said, that as he had been alluded to as a gentleman who on one occasion had shown a determination to go to extremities as great as those now recommended to the adoption of the House by those who were in favour of proceeding by Resolution, he was desirous of saying a few words by way of explanation. The facts of the case were these:—In 1854, when the Corrupt Practices at Elections Bill was under discussion, it was deemed very desirable to settle the vexed question as to the legality of the payment of the expenses of voters going up to the poll, and a clause was accordingly introduced declaring such payments legal. This clause was repeatedly discussed in very full Houses. The noble Lord the Member for London was one of its most prominent supporters, maintaining that, unless it were agreed to, a very valuable portion of the constituency—the 40*s*. freeholders—would be disfranchised. The clause was affirmed by that House by large majorities on three different occasions; but the House of Lords struck it out. The Bill came down from the other House on the very day before the prorogation, and hon. Members were asked to assent to the Lords' Amendments. The question was one that materially concerned the House, because it affected the rights of those by whom they were returned, and it had been carried three times by large majorities. Under those circumstances he complained that they should be called upon by the noble Lord who had himself advocated the clause, to abandon their position and adopt the Lords' Amendments. Therefore, though Parliament was then on the eve of prorogation, he declared that he should go on dividing the House before he would assent to the proposal of the other House, and it was only on the express condition that the Bill should endure but for a year and a-half that it was suffered to pass. If the same case were to occur again he should repeat his declaration without any qualification of its terms. Turning to the immediate question before the House, a more extraordinary speech than that of the right hon. Gentleman (Mr. Gladstone) he had never heard. The right hon. Gentleman began in his usual wheedling tone by assuring them that he was the last man who would wish to coerce the House of Lords; but before he had done he tried by the arts of cajolery to induce the House of Lords to admit the Jews to Parliament—the very thing to which it had already solemnly refused its assent. If this Bill went up to the other House, could there be any doubt that as the objections of the House of Lords were directed to matters of substance, and not of form, it would meet with the same reception as the former Jew Bill? It was deeply to be regretted that at a crisis when the interests of the empire were seriously menaced, and when the strife of parties should therefore be merged in a common endeavour to ward off the common danger, the occasion should be taken to involve the two Houses of Parliament in an unseemly collision.

Mr. HORSMAN said, it had been assumed in the course of that discussion, that any attempt to seat Baron Rothschild by Resolution was something so unprecedented and unheard-of as to amount to a revolutionary proceeding. The hon. and learned Gentleman (Mr. Whiteside) who quoted the speech of the noble Lord the Member for London in 1851, to show that the noble Lord could not consistently be a party to the seating of Baron Rothschild by Resolution, should remember that the Resolution proposed in that year did not declare that Baron Rothschild was not eligible to sit, but simply declared that the House on that occasion declined to seat him because he then refused to take the oath. The House might have refused to admit him when he was first elected, when the firmness and constancy of the citizens of London had not been ascertained, and when the choice of a Jew as their representative might have been the result of a mere passing caprice. On the other hand, it might well have been supposed that the House of Lords, although it might reject the Bill once or twice, would not continue to resist its passing, year after year, in opposition to the repeatedly expressed will of the representatives of the people. Moreover, since that period a precedent had been set to which the House ought not to be wholly insensible. Hon. Gentlemen who said that one House of Parliament was not a Parliament should recollect the grounds upon which the House of Lords refused to admit Lord Wensleydale as a peer for life. The Earl of Derby's grounds for refusing to admit Lord Wensleydale were as follows:—

> "I will not consent that we should deprive ourselves by our own act of that with which the House of Commons will not part—of that which is essential to every legislative body—namely, the power of being the judges of our own privileges, and the interpreters of the laws which regulate the rights of those who have the honour of a seat in your Lordships' House."

Various other reasons were given, but none so remarkable, so strong, and so applicable as those of Lord Brougham, who said:—

> "Nothing can be conceived, I was about to say, more monstrous, but rather let me say more truly ridiculous, than their coming to any resolution touching our determination of this question, which regards our own rights and privileges alone. As well might we think of interfering with their decisions upon the rights of election, or the title to seats in that House."

The principle laid down was that the House of Lords were the sole judges of their own privileges. There had been a precedent set, and a change of circumstances had taken place since 1851, and, although they must all feel a great desire to avoid a conflict which seemed to be threatened, still, if it should come, it would not be by that side of the House that it had been sought. That House had done everything in its power to prevent and avoid a collision, and, much as he should regret it, the responsibility was not in their hands. This oath was not originally intended to apply to the Jew; that was admitted. It was to apply to the Roman Catholic, who had obtained relief. But there was this difference between the Roman Catholic and the Jew; the one had the strength of six millions, whereas the other was numerically and politically weak. So far, however, as the rule of right was concerned there could be no doubt upon the question; the exclusion was monstrous, and ought no longer to be maintained.

Lord JOHN RUSSELL. The hon. and learned Member for Whitehaven (Mr. Hildyard) ought to admit that my constituents, the electors for the city of London, have shown extraordinary patience, because it appears from his argument that a clause in a Bill which had been affirmed by this House three times, being brought forward in the House of Lords, the first time in 1854, was rejected by them, and, although it had only been brought forward once in that House, the hon. and learned Gentleman considered himself entitled to speak of that as conduct which this House was not bound to tolerate. Now, my constituents have gone on for ten years submitting to the rejection of their claims by the House of Lords, and they have shown more temper and equanimity under adversity, than the hon. and learned Gentleman. With regard to what has been stated in the debate, I will not refer to what has been said by the right hon. Gentleman the Member for Cambridge (Mr. Walpole), because I have already taken some notice of those arguments. But the hon. Gentleman the Member for the county of Devon (Mr. Palk) says—and I think he rather carried the argument to an extreme—"Why, here is no danger of refusing the claims of the Jews—no sedition, no tumult—nothing to induce us to pass this Bill." The hon. Gentleman reminds me of the old couplet of—

> "The King to Oxford sent a troop of Horse,
> For Tories own no argument but force."

"What matters it," argues the hon. Member, "that the Jews have reason on their side, when you have no disturbance, no sedition, no city of Manchester in a state of disaffection, and no reason for agreeing to any Bill in favour of the Jews?" Sir, I think it would be not only more liberal, but more conservative to consider these claims when there is no tumult, and when you may therefore be acted upon by reason and fair argument. Well, the hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside) said he did not understand the contents of the Bill. I have already stated them, but I am ready to state again the general purport of the Bill. The hon. and learned Gentleman knows that the Act to which I referred, the 1 & 2 *Vict.*, applied in the first instance to the Courts of Law, and the words "any other occasion whatever" gave rise to a doubt whether they could refer to any authority superior to the Courts of Law—that is, whether they could be held to refer to the Houses of Parliament or the Privy Council. In the next place, it was said that the Act referred only to the person taking the oath, and declared that he was subject to the penalty of perjury for false swearing, while it did not refer to the person administering the oath so as to relieve him from the penalties for not administering in the form before necessary. Now I propose to extend the Act to both these cases, by stating, in the first place, that it shall apply to the High Court of Parliament and to oaths taken upon any other occasion whatever; and, in the next place, that it shall refer to the person administering the oath, and that whenever that oath shall be administered according to the forms and ceremonies binding on the conscience of the person taking that oath it shall be considered to be lawfully administered. The hon. and learned Gentleman will therefore see that the description given by my right hon. Friend the Member for Oxford University is a correct description, not so much of the exact provisions of the Bill as of its probable effect. And I will not disguise that if such a Bill should be accepted, this House could resolve—which I think it could do now without such an Act, but could resolve then without any danger from a collision with the courts of law—that they could administer the oath to Baron Rothschild according to the ceremonies binding upon his conscience. The hon. and learned Gentleman entered upon another question, which I think has not much to do with this Bill, as to the right of the House to pass a Resolution, and he said that in Mr. Pease's case the House had acted according to the statute law, which was clear and decisive upon the point. I demur to this assertion. The 8 *Geo.* I. says that whenever a Quaker shall be called upon to take the oath of abjuration, he shall be allowed to use the form of affirmation, and to take the oath without the words "on the true faith of a Christian." But the oath of abjuration of that period was different from that of the time of George III. The oath in the reign of George I. was an abjuration of the old Pretender, who was then living, while the oath of George III.'s time, was a different oath and abjured other persons. So far is it from being a correct argument that the oath taken by Mr. Pease was laid down by statute that I believe Mr. Pease took that affirmation according to a form drawn out at the table, and that it was not from any statute that he was enabled to make that affirmation. The House having had the report of a Committee, the then Speaker, Mr. Manners Sutton, gave it as his opinion that this House had an undoubted right upon its own authority to decide that Mr. Pease should take that affirmation, and that not according to the exact words of the statute, but according to the general analogy of law. Now, as regards what has been stated by my noble Friend at the head of the Government, I am ready to admit that it is for the noble Lord to decide according to the state of business before him, according to the measure that it may be necessary to present to Parliament, and according to the state of Government business that may remain, which he alone can be acquainted with—it is in his discretion to determine whether he may be able to afford time for any measure which any other hon. Member may bring in. I think I am fully justified in asking the question of him, but I do not mean to complain of his decision that, although agreeing in the object of the Bill, he cannot give me a day. The consequence of the refusal of the Government, however, may be that, although I may obtain leave to introduce my Bill, it may not be in my power to find Wednesdays enough to carry it this Session. At the same time I don't exactly know what the number of days may be which the Government may fix for the duration of the Session, and I somewhat doubt the exact number of days that this Session may last. I can certainly take no other course except to introduce the Bill, but I cannot hold out to those who may support me that I shall be able to carry the Bill. I cannot in candour say that, but I consider it perfectly natural that, after the rejection of another measure on this subject by the House of Lords, there should be considerable irritation both among my constituents and among those hon. Members of this House who thought that the Bill ought to be passed. I thought it most probable that the advice would be given to Baron Rothschild that he should come to the table and propose to take the oath. I could not but foresee that there would be great public inconvenience, besides loss of time in proceeding by a Resolution, and that it would be better if we could obtain an amicable adjustment of the question by the House of Lords. That was my view in introducing the Bill. The utmost that any person has said, though I know not on what grounds, is that the Bill would be rejected by the House of Lords; but certainly my strong impression is that, if the House of Lords were guided by anything approaching to the wisdom with which the Duke of Wellington advised that House, this Jewish question would be easily settled. If the proposed Bill became law, there might be one or two Jewish Members in this House, but still the House would be quite as Christian as the country, in which the immense majority of the inhabitants is Christian, and the number of the Jews is but small; and the House of Lords by agreeing to the Bill would put an end to an unseemly and wearisome contest. He did not know what course would be taken hereafter in this question, or what course Baron Rothschild might be advised to follow, but so far as he was concerned himself in the matter, he should feel that he had done his duty in introducing this Bill.

Motion made, and Question put, "That leave be given to bring in a Bill to amend the Act 1 & 2 *Vic.*, c. 105, intituled, 'An Act for removing Doubts as to the Validity of certain Oaths.'"

The House *divided*:—Ayes 246; Noes 154: Majority 92.

List of the AYES.

Akroyd, E.
Alcock, T.
Anderson, Sir J.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Beale, S.
Beecroft, G. S.
Bethell, Sir R.
Biggs, J.
Black, A.
Bonham-Carter, J.
Bouverie, hon. P. P.
Bowyer, G.
Brady, J.
Brand, hon. H.
Brocklehurst, J.
Bruce, H. A.
Buchanan, W.
Buller, J. W.
Buxton, C.
Buxton, Sir E. N.
Byng, hon. G.
Caird, J.
Calcutt, F. M.
Campbell, R. J. R.
Castlerosse, Visct.
Cavendish, Lord
Cavendish, hon. C. C.
Cheetham, J.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clinton, Lord R.
Clive, G.
Codrington, Gen.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Conyngham, Lord F.
Cowper, rt. hon. W. F.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalgleish, R.
Davey, R.
Davie, Sir H. R. F.
Denison, hon. W. H. F.
Dering, Sir E.
De Vere, S. E.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Dodson, J. G.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Dunlop, A. M.
Ellice, rt. hon. E.
Elphinstone, Sir J.
Elton, Sir A. H.
Ennis, J.
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fagan, W.
Ferguson, Col.
Ferguson, Sir R.
Finlay, A. S.
FitzGerald, rt. hon. J. D.
FitzRoy, rt. hon. H.
Foley, J. H.
Foley, H. J. W.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.

Fortescue, C. S.
French, Col.
Gaskell, J. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. G.
Goderich, Visct.
Gordon, L. D.
Graham, rt. hon. Sir J.
Greene, J.
Greer, S. M'C.
Grenfell, C. W.
Greville, Col. F.
Grey, R. W.
Grey, rt. hon. Sir G.
Griffith, C. D.
Grosvenor, Lord R.
Gurdon, B.
Hackblock, W.
Hadfield, G.
Hall, rt. hon. Sir B.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Harris, J. D.
Hatchell, J.
Headlam, T. E.
Herbert, rt. hon. H. A.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C.W.G.
Hughes, W. B.
Hutt, W.
Ingham, R.
Jermyn, Earl
Jervoise, Sir J. C.
Keating, Sir H. S.
Ker, R.
Kershaw, J.
King, E. B.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Locke, Jno.
Macarthy, A.
M'Cann, J
Mackinnon, W. A.
Mackinnon, W. A.
M'Cullagh, W. T.
Maguire, J. F.
Mangles, R. D.
Mangles, C. E.
Marjoribanks, D. C.
Marshall, W.
Martin, C. W.
Martin, P. W.
Martin, J.
Matheson, A.
Matheson, Sir J.
Melgund, Visct.
Mills, T.
Moffatt, G.
Moncrieff, rt. hon. J.
Monsell, rt. hon. W.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
North, F.
O'Brien, P.
O'Connell, Capt. D.
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Paget, Lord C.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Peel, Sir R.
Perry, Sir T. E.
Pigott, F.
Pilkington, J.
Powell, F. S.
Price, W. P.
Pryse, E. L.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Ridley, G.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, Sir W.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Seymour, H. D.
Sheridan, H. B.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stanley, hon. W. O.
Stapleton, J.
Stuart, Lord J.
Stuart, Col.
Sykes, Col. W. H.
Tancred, H. W.
Thompson, Gen.
Thornely, T.
Tite, W.
Tollemache, hon. F. J.
Townsend, J.
Trelawny, Sir J. S.
Turner, J. A.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waldron, L.
Walter, J.
Warburton, G. D.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
White, J.
White, H.
Wickham, H. W.
Willcox, B. M'G.
Williams, M.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Wilson, J.
Wingfield, R. B.
Wise, J. A.
Wood, W.
Wrightson, W. B.
Wyld, J.
Windham, Gen.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
Adeane, H. J.
Annesley, hon. H.
Archdall, Capt. M.
Baillie, H. J.
Bernard, hon. W. S.
Bathurst, A. A.
Beach, W. W. B.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Blakemore, T. W. B.
Boldero, Col.
Booth, Sir R. G.
Bramley-Moore, J.
Bridges, Sir B. W.
Bruce, Major C.
Bruen, H.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Burghley, Lord
Burrell, Sir C. M.
Cairns, H. M'C.
Carden, Sir R. W.
Charlesworth, J. C. D.
Child, S.
Christy, S.
Close, M. C.
Cobbett, J. M.
Cobbold, J. C.
Cole, hon. H. A.
Collins, T.
Conolly, T.
Cooper, E. J.
Corry, rt. hon. H. L.
Cross, R. A.
Curzon, Visct.
Dalkeith, Earl of
Damer, L. D.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, E. C.
Ellis, hon. L. A.
Emlyn, Visct.
Farnham, E. B.
Farquhar, Sir M.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
Goddard, A. L.
Greenwood, J.
Grogan, E.
Hall, Gen.
Hamilton, J. H.
Hardy, G.
Hassard, M.
Heathcote, Sir W.
Herbert, Col.
Hildyard, R. C.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, W. N.
Holford, R. S.
Hopwood, J. T.
Hornby, W.H.
Johnstone, hon. H. B.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Kendall, N.
King, J. K.
Knightley, R.
Langton, W. G.
Legh, G. C.
Lennox, Lord A. F.
Lincoln, Earl of
Lockhart, A. E.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lygon, hon. F.
Macartney, G.
Mackie, J.
M'Clintock, J.
Mainwaring, T.
Malins, R.
Manners, Lord J.
March, Earl of
Maxwell, hon. Col.
Miller, T. J.
Montgomery, Sir G.
Morgan, O.
Mowbray, J. R.
Naas, Lord
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Packe, C. W.
Pakenham, Col.
Palk, L.
Palmer, R.
Paull, H.
Peel, Gen.
Pennant, hon. Col.
Pevensey, Visct.
Philipps, J. H.
Repton, G. W. J.
Robertson, P. F.
Rolt, J.
Sclater, G.
Scott, hon. F.
Sibthorp, Maj.
Somerset, Col.
Spooner, R.
Stafford, A.
Stephenson, R.

Steuart, A.
Sturt, H. G.
Sturt, C. N.
Tempest, Lord A. V.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Warren, S.
Welby, W. E.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, Col.
Willoughby, J. P.
Willson, A.
Woodd, B. T.
Wortley, Maj.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Hamilton, G. A.
Taylor, Col.

Leave given.

Bill *ordered* to be brought in by Lord JOHN RUSSELL, Sir JAMES GRAHAM, and Mr. JOHN ABEL SMITH.

AGRICULTURAL STATISTICS BILL.

LEAVE. FIRST READING.

MR. CAIRD said, he rose to move for leave to bring in a Bill to provide for the collection of the agricultural statistics in England and Wales; he did not, however, entertain any expectation that the Bill could pass through Parliament during the present Session.

MR. BOOKER-BLAKEMORE, interrupting the hon. Gentleman, said, that as he had waved his right to bring forward his Motion at an early period of the evening, he (Mr. Blakemore) and other hon. Members had understood that it would be postponed to some future day. He (Mr. Blakemore) thought the Motion ought not to be pressed at that hour (half-past 11), and would suggest that the hon. Gentleman should fix some other day for its consideration.

MR. SPEAKER observed, that in point of order the notice of the hon. Gentleman had only been postponed until after the House had come to a decision upon the Motion of the noble Member for the City of London.

MR. CAIRD proceeded to say that at so late a period of the Session he of course could have no expectation of having the Bill passed; and for two reasons that was neither necessary nor desirable; first, because it was now too late to be brought into operation for the present crop; and secondly, because he was desirous that the country and the agricultural class should have ample time to consider it. If he were allowed to bring it in, the Bill would be printed and canvassed during the autumn, and, if generally approved, it might be passed early enough next Session to be brought into operation for the corn crop of next year. Full time would thus be given for its discussion by the important classes affected by it, whose opinions were entitled to every consideration, while no real delay in its operation was caused by postponing the actual passing of the Bill to next Session. In venturing to introduce a Bill on this subject he felt it his duty carefully to consider the several objections urged against the Bill, which the Government had brought in last year, by those right hon. and hon. Members on the opposite side, who might be regarded as most directly representing the agricultural interests in that House, and without impairing in the least degree the efficiency of the inquiry, he trusted that he had succeeded in removing every reasonable cause of objection on their part which he had met with. Those hon. Members stated that to the general principle of the advantage of such information they were favourable; and he was also fortified by a Resolution come to by the Central Farmers' Club of London in February, 1856, that a system for obtaining these returns, carried out on broad and equitable principles, would be of general advantage to the country. The Bill which he proposed, therefore, differed from that introduced last year by the Government in several important particulars. The returns were not to be compulsory; they were not to include live stock; they were to be limited to the ascertainment of facts, which were the only statistics of any value; they were to be obtained through a different machinery than that of the Poor Law; and lastly, farmers were to have the option of making their returns direct to the official department in London through the Post office, while a clause was introduced to prevent the communication or use of individual returns for any purpose except for compilation into general results at the office in London, by imposing a penalty upon the officer who divulged them. In all these important particulars this Bill differed from that of the Government, while he had introduced a system of inspection to provide a check on the accuracy of the returns, a point overlooked by the Government. He believed hon. Members opposite would acknowledge that the main, if not the whole of the objections which were urged against the Bill of the Government had thus been removed. But in removing these objections it might perhaps be thought that he had taken away all security for the efficiency of the inquiry. If time had permitted, he believed he could satisfactorily prove that that was not the case. By limiting the inquiry to the acreage under each crop, opposition would, he trusted, be disarmed, and in the unlikely case of information being still refused by any on that point, it could be ascertained with the utmost accuracy through other means of local information. There was, therefore, no longer any necessity for a compulsory measure. With regard to returns of live stock, such information would no doubt be useful and interesting, but it was not necessary in a national view, inasmuch as the numbers were not subject to seasonal variations like the produce of corn ; and even if a sudden deficiency were ascertained, they could not remedy the want by foreign importation as they could with corn. So that this, which was the most objectionable branch of the inquiry in the Bill of the Government, was altogether dispensed with. He was prepared to show that the variation in the breadth sown with the several crops in this country from year to year was much greater than the variation in the rate of produce, and much more difficult to estimate. To show the importance of ascertaining every year the acreage under each crop, and with what rapidity supply follows demand, he had the statistical returns of Ireland and Scotland, in so far as regarded the acres under wheat, for the last four years :—

	1853.	1854.	1855.	1856.	Increase per cent.
Acres of wheat in Ireland	326,896	411,284	445,620	529,363	62
Acres of wheat in Scotland............	No return	168,216	191,300	261,842	56
Average price of preceding year......	40*s.* 9*d.*	53*s.* 3*d.*	72*s.* 5*d.*	74*s.* 8*d.*	73

The supply of wheat thus followed closely on the heels of demand ; and, as there was every reason to suppose that the same high price which prompted the Irish and Scotch farmer to extend his breadth of wheat had a like effect in England, they might judge of the great national importance of this inquiry, and how entirely our statesmen would be misled as to the foreign supply of corn necessary in any year for the wants of the country, if they founded their calculations on a permanent acreage of wheat in each year, when that acreage was found to have increased by two-thirds within two years. This Bill, if permitted to pass, would provide the public, by the 1st of August in each year, with an accurate basis of fact which they had never yet possessed, upon which every one interested could form his own estimate according to his judgment. The farmer would then no longer be at the mercy of the speculator—the miller would not, as he had during the last few years, continue to buy only for his immediate wants—the merchant would be able to estimate the probable requirements of the country, neither deluging our market at one time with an over supply, nor deterred by the uncertainty and utter want of reliable information from providing adequate supplies when they were needed, and thus, as had happened more than once during the last three years, exposing the country to a needless but most hurtful panic. Then, as to the machinery: the Government proposed to adopt that of the Poor Law, but on three occasions—in 1845, 1853, and 1854, experiments which were tried through the machinery of the Poor Law either failed altogether, or were but partially successful. He submitted that the office of the Registrar General afforded a better machinery for an inquiry of this kind. It had a representative in every district of the country, it was purely a statistical office, unconnected with rating or taxation, and was accustomed to distribute, collect, digest, and arrange much larger masses of return than were contemplated by this Act. Moreover, in taking the census returns, it had been an entirely successful office, and especially popular with the farmers, not fewer than 225,000 of whom, at the request of the Registrar, in 1851, voluntarily returned the acreage of their farms and the number of labourers in their employment, in addition to that which was compulsory—viz., the numbers, names, and ages of themselves and their household. This fact was a sufficient proof that the farmers, if properly approached, and for an obviously useful and not inquisitorial purpose, were more likely to facilitate than obstruct this inquiry, and were not that narrow-minded class which they were too often represented to be. But there was another matter for their consideration in determining the machinery. That was an office which conducted its business with economy, and he had an estimate to show that the whole cost of this inquiry, conducted, as he proposed, need not much exceed £20,000. Having thus as shortly as possible given an outline of the measure, the object and principle of which had already been recognized by her majesty's Government and by the other House of Parliament, he trusted that he might now be permitted to introduce this Bill with the general assent of the House. The importance attached to information such as the Bill proposed to furnish was evinced by the memorial presented three years ago to Lord Aberdeen from the bankers and merchants of the city of London—a memorial said to have been signed by the most influential array of city names which had ever been affixed to any similar document. England alone, of the three kingdoms, gave no return of her crops, and without England the agricultural returns of Scotland and Ireland were comparatively unimportant. She held, in truth, rather an unenviable position among the nations in this respect, for he had been told by a member of the Statistical Congress which met at Brussels in 1855, that the only great States of Europe which did not collect any such information were Spain, Turkey, and England! Having given much attention to this subject for many years, he was convined that it was of at least as much importance to the farmer as to the merchant, but it was not alone for the benefit of either, and assuredly not solely to aid scientific inquiry, that he ventured to propose this measure. It was because he believed that it would tend to equalize the supply and the price of bread to the mass of the community, and that it would prevent those unnecessary panics which they had seen enhancing for a time the price of bread to the poor man and his family, often, too, in the winter, when they could least afford to pay it. He did really look upon the measure as one of the first importance. They met there to discuss a great variety of subjects, and grudged no expense in Commissions and Boards of inquiry and administration for nearly every imaginable object. They spent millions in any part of the globe where they conceived the honour or the interests of England to be involved; but here, at home, with a population greater than we could support from the produce of our own island, Parliament had hitherto taken no steps to ascertain information of such vital moment. And yet the well-being and comfortable subsistence of the people were the best proofs of good government, as they were the surest guarantees of the permanence of order, and ought, therefore, to be the very first objects of concern to a State. Believing that this Bill give an adequate basis of information from which to estimate the probable supply of food, in ample time to provide against deficiency, and that it would thus, in a great measure, prevent those immense fluctuations in price which had proved so injurious to trade and commerce, so delusive to the farmer, and which had been found to press in times of unnecessary panic with so much severity on the poorer classes of the people, he should conclude by moving for leave to bring in his Bill.

Mr. PACKE said, he was happy to find that the hon. Member had abstained from inserting in the Bill a clause of a compulsory nature. The measure would thus be satisfactory to the farmers of the country, and he, under these circumstances, and considering also that it was not to pass into a law this Session, should not oppose its introduction.

Mr. STEUART had seen so much of the unsatisfactory working of this system in Scotland, that he was unfavourable to its introduction into England. He moved the adjournment of the debate.

Mr. BENTINCK also expressed his satisfaction at the circumstance that the hon. Member did not propose to make the operation of the Bill compulsory, but could hardly reconcile the statement which the hon. Member had made to that effect with the announcement that steps were to be taken for insuring the accuracy of those returns which the Bill was intended to procure. He could only say that if the Bill were made compulsory, it was likely to be met by the most strenuous opposition.

Mr. BOOKER-BLAKEMORE said, he did not think the introduction of the Bill ought to be opposed, while he should by no means pledge himself to give it his support. If, however, leave were given to bring in the Bill, hon. Members would have the advantage of being able to discuss its provisions with their constituents during the recess.

Motion for the adjournment of the debate *withdrawn.*

Leave given.

Bill to provide for the collection of Agricultural Statistics in England and

Wales, ordered to be brought in by Mr. CAIRD and Mr. GARNETT.

Bill *presented* and read 1°; to be read 2° on *Wednesday* next, and to be *printed*.

SALE OF WASTE LANDS (NEW ZEALAND) BILL.

LEAVE.—FIRST READING.

MR. J. A. SMITH moved for leave to bring in a Bill for the discharging of claims on the New Zealand Company, by the proceeds of sales of waste lands in that country.

SIR JOHN TRELAWNY said, he should oppose the Bill, which he said was connected with another that was on the paper. The object of the Bill was that this country should guarantee a loan of £500,000 to enable the New Zealand Company to delude the natives by buying land of them at prices which they would not accept if they were a little more instructed. He was not satisfied with the security offered, which was the produce of the taxes in New Zealand; inasmuch as the colonists would be at liberty to refuse taxing themselves.

MR. LABOUCHERE said, he must admit that the subject was one demanding the consideration of the House, but he did not think that this was a proper time to consider the question of guarantee. The Bill to be introduced was an enabling Bill, the guarantee Bill would be introduced as a separate measure by the Government, at a subsequent time. He hoped, therefore, his hon. Friend would be allowed to introduce the Bill, and then, on the second reading of the Bill of his right hon. Friend the Chancellor of the Exchequer, the House could discuss and decide the question.

SIR JAMES GRAHAM suggested that the Bill should be allowed to pass, on the understanding that no further step should be taken until the guarantee Bill was read a second time.

MR. J. A. SMITH said, he would consent to this proposal as he was prepared to give the most complete assurance that the only object of the Bill was to carry out the provisions of the Government measure.

Leave given.

Bill for discharging claims of the New Zealand Company on the proceeds of Sales of Waste Lands in New Zealand, *ordered* to be brought in by Mr. JOHN ABEL SMITH, Mr. MANGLES, and Mr. HUTT.

Bill *presented*, and read 1°; to be read 2° on *Thursday*, and *printed*.

MILITIA ESTIMATES.—COMMITTEE.

SIR JOHN RAMSDEN moved the appointment of a Select Committee to prepare Estimates of the charge of the disembodied Militia, of Great Britain and Ireland for the year ending March 31, 1858.

COLONEL FRENCH wished to ask the hon. Baronet what arrangements had been made in the event of the militia not being called out during the present year, for paying the men that portion of the bounty which was due to them, and also how it was proposed to ascertain the strength of the militia regiments, the term having expired for which many of the men had taken service.

SIR JOHN RAMSDEN said, that arrangements had been made by which the annual instalment of bounty would be paid to the men composing the various militia regiments, whether they were called out for training or not; but he could not at present inform the House what was the exact nature of those arrangements. With regard to the inspection of the militia, inspectors had been appointed, whose duty it would be to go to different places and inquire into the strength of the various regiments, and to report thereupon to the Government.

Motion *agreed to*.

Select Committee *appointed*,—"To prepare Estimates of the Charge of the Disembodied Militia of Great Britain and Ireland, for the year ending on the 31st day of March, 1858:"—Sir JOHN RAMSDEN, the JUDGE ADVOCATE, Mr. WALPOLE, Mr. ELLICE, Colonel NORTH, Colonel WILSON PATTEN, Colonel SMYTH, General PEEL, Colonel GILPIN, Mr. MASSEY, Mr. BRAND, Mr. CHICHESTER FORTESCUE, the Earl of MULGRAVE, and all Colonels of Militia:—Five to be the quorum.

MERCHANT SHIPS.—LEAVE.

MR. STAPLETON moved for leave to bring in a Bill to secure the observance of better discipline in merchant ships. He knew that there was no chance of carrying the Bill this Session, but he desired that it might be printed and considered by those who took an interest in the subject. The object was to protect the seamen by securing an entry of any punishment inflicted.

The Motion was not seconded, and of course fell to the ground.

NEW ZEALAND LOAN GUARANTEE.

COMMITTEE.

Order for Committee read.

House in Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he had to move a Resolution, on which to found a Bill, authorizing Her Majesty to guarantee the repayment of a loan of £500,000 for the service of the province of New Zealand, with interest at the rate of 4 per cent. Further explanations would be given on the second reading of the Bill.

SIR JOHN TRELAWNY said, he wished to give notice that, unless better reasons were advanced in support of this measure than he had yet heard, he should oppose the Bill at a future stage.

Resolution *agreed to.*

Resolved, "That Her Majesty be authorised to guarantee the repayment of a Loan, to an amount not exceeding £500,000, for the service of the Province of New Zealand, together with the interest thereon, not exceeding four pounds per cent per annum, and that provision be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the payment from time to time of such sums of money as may become payable by Her Majesty under such Guarantee."

House resumed.

Resolution to be reported *To-morrow.*

INDUSTRIAL SCHOOLS BILL.

THIRD READING.

Order for Third Reading read,

MR. COBBETT said, he could not let the opportunity pass without entering his protest against the Bill. The Bill was oppressive in its character, and gave much too large powers to magistrates. Under one clause, any child over the age of seven, for some fancied or constructive act of vagrancy, might be committed to one of those industrial schools, and kept there until it attained the age of fourteen. That was all very well if the child was an orphan or deserted, but the provisions of the Bill extended equally to the case of children who had parents willing and able to take charge of them. Another provision of the Bill was, that during the residence of a child in one of these schools, the parents would be required to pay a sum of not less than three shillings a week for its support. Now, that was a charge quite out of proportion to the wages received throughout the country, even where the rate of wages was considered high, and no doubt, therefore, the working of the Bill would be productive of much misery in the agricultural districts. The workhouse schools—although vaunted as a success at first—were generally admitted to have been a complete failure. Should he receive any encouragement he would divide the House against the Bill.

Motion made and Question put, "That the Bill be now read a third time."

The House *divided* :—Ayes 56; Noes 21: Majority 35.

Bill read 3° and *passed.*

House adjourned at a Quarter after One o'clock.

HOUSE OF COMMONS,

Monday, July 22, 1857.

MINUTES.] PUBLIC BILLS.—1° Constables (Detached Parts of Counties).

3° Bankruptcy and Insolvency (Ireland); Land Tax Commissioners' Names.

GREAT NORTHERN RAILWAY (CAPITAL) BILL.

LORDS' AMENDMENTS.

On the Motion that the Lords' Amendments to this Bill be agreed to,

MR. SPOONER said, that he rose to move as an Amendment, that the following words added in the Lords' Committee at the end of Clause 3, be disagreed from:

> "And thereupon the said sum of £43,923 5*s*. 8*d*. shall be considered to have been duly divided among all classes of shareholders of the company."

After detailing the circumstances connected with the Redpath frauds, which had led to the introduction of the present Bill into Parliament, he observed that to the Bill, as it had been introduced, no objection was taken by the shareholders, and that the words to which they were now opposed had been inserted in the Committee of the House of Lords after the preamble had been agreed to, and during that confusion which always took place among the parties when the clauses were being settled. He contended that the terms upon which the preference shareholders held their shares were, that they should receive a dividend of five per cent in perpetuity, to be paid annually, and that they were entitled to take out of the profits of the year five per cent per annum, upon the capital which they had invested, before any one else could receive anything. The effect of the words which he proposed to leave out would be to throw the preference shareholders on a half-yearly division of dividend instead of upon a yearly division, and to hold them as having received, although in fact they had not received it, £2 10*s.* per cent out of the half-year's revenue up to December last, thus cutting down their claims against the revenue of the whole year from June to June, to £2 10*s.* per cent. He had no doubt they would be told that the Attorney General had sanctioned the proposed arrangement, but he (Mr. Spooner) looked upon the opinion of the Attorney General as being very much qualified by the expression in it, that the arrangement was to be carried out according to the existing rules which determined the mutual relations between the parties. Every one knew that a legal opinion depended very much upon the nature of the case submitted, and he should like to know whether the attention of the Attorney General had been drawn to the fact that the holders of these shares were to be entitled to 5 per cent "per annum" interest, or preference dividend in perpetuity. It was to those words "per annum" that he wished more particularly to call the attention of the House, and he maintained that if the directors chose, for the sake of convenience, to make up their accounts and to pay dividends half-yearly, that could in no away affect the rights of the preference shareholders to their 5 per cent per annum out of the profits of the year. At all events, if there were any doubts as to the rights of the preference shareholders, he urged that those doubts should be decided by a court of law, and that it was not for the House to interfere to settle the rights of contending parties, when the ordinary tribunals of the country were open to them, and were infinitely better calculated for the purpose than that House could by possibility be.

MR. TURNER said, that he would second the Amendment considering that a principle of commercial honesty was involed in the question, which the House was bound to maintain, and if the words inserted by the House of Lords were allowed to remain, the honour of this country, with respect to fulfilling its engagements, would be at an end. When a railway company was not able out of the funds subscribed by the shareholders to complete its undertaking, the directors either borrowed money on debentures, or raised it in the shape of preference shares, as had been done in this case. The persons who lent their money upon that understanding were content with a beneficial interest of 5 per cent, although the ordinary shareholders might receive a much larger amount of interest. In the first instance the debenture holders received the amount which they were entitled to upon what they had lent on a mortgage of the line, and the preference shareholders came after them with an equitable claim to receive the amount which had been guaranteed to them in the event of there being property to that amount. This was not the first time that a railway company had attempted to carry a measure of this kind, but he thought that it was the duty of the House to oppose a system which he believed to be antagonistic to the principles of commercial honour.

MR. NEWDEGATE said, the question was whether there was any profit to which the preference shareholders were entitled; if he voted for the Amendment it would be because he thought the point was one of law, which the Courts ought to decide, but he thought the House ought not to sanction any principle which would increase the power of the preference shareholders. The officer through whose misconduct this loss occurred, was their officer as much as that of the ordinary shareholders, and they had the same voice in the appointment. It was rather the ordinary shareholders who required protection.

MR. BAILEY said, that as Chairman of the Committee to which the petition of the preference shareholders had been referred, he wished to state that the case submitted to them was this,—whether the sum of money required to make up the deficiencies occasioned by Redpath's frauds should be paid out of the capital or out of the dividends that were then due, those dividends being sufficient at the time to pay the whole sum. The Committee decided that, the frauds being in the nature of a great calamity which had occurred to the company, it was fair, as the company was in some respects responsible for the misfortune which had occurred, that the loss ought to have been paid out of the dividends then due. Since that period a difference had arisen with respect to a second half-year's dividend which had come into hand. The company had thus a whole year's dividend available, so that the case was somewhat altered from what it had been two months ago, when the Committee had decided that the sum should be paid out of the dividend then in hand. It was under these circumstances that the words which it was now proposed to strike out, had been added to the Bill in the Committee of the other House. If the second dividend had not come in, he believed the Bill would have remained as it was sent up from the House, and that in that state it would have effected the object and purpose which both Committees had in view; but he believed he might state that both the Committee of that House as well as of the House of Lords, had been unanimous on the subject of the equal liability of the preference shareholders with the ordinary shareholders in reference to the losses occasioned by the recent frauds. A new question had now arisen—whether the preference shareholders had a right to consider, that as the company had now a sufficient sum in hand to pay this expense, and also to pay them their preference sum, they were entitled to receive that sum. The practice of the company was to pay the preference dividends half-yearly. If it could be shown that the preference shareholders were paid once every year, there would not be any doubt that they were entitled to what they now claimed. But the question now was, whether that sum should be paid, as the Committee had intended, out of the first half-year's dividend, or whether the altered state of circumstances should compel the directors to pay it out of the whole of the previous year. He thought the strongest argument against that course was that the preference shareholders would then escape being subject to the payment of any of the loss which their directors had incurred—those directors having been elected in a great measure by preference shareholders. Though the case had somewhat altered since it left the Committee, he should concur in the alteration made by their Lordships, because he believed it carried out what was the original intention of both Committees.

Sɪʀ JAMES GRAHAM inquired whether the preference shareholders had been heard by counsel before the Committee?

Mʀ. BAILEY stated, in reply, that they had been heard by their counsel before both Committees.

Mʀ. HEADLAM said, he entirely concurred in what appeared to be the general opinion of the House. There was not one word in the preamble of the Bill to justify the House interfering in any manner between different classes of shareholders. The objects of the Bill were first to authorise the directors to recognise the fictitious shares created by Redpath; secondly, to empower them to buy these up; and thirdly, to do so out of the sum then in hand. It did not attempt to decide anything as to the rights of the different shareholders to that sum. Suppose that a great calamity had occurred, such as the fall of a tunnel, would the ordinary shareholders have a right to come to the House to force the preference shareholders to contribute? Whatever were the rights of the preference shareholders, Parliament should not interfere to alter them. When the Bill first came before the House, only a half-year's dividend was in hand, but the preference shareholders maintained that they had a right to take the income of the whole year, and that they should be applied, first, in payment of the losses incurred in the year; secondly, in payment of the dividends on the preference shares; and, thirdly, in payment of the dividends of the ordinary shareholders. If they were wrong in that conclusion, the clause was unnecessary; and if they were right, he did not think the House ought to interfere to diminish the value of their property, and of preference shares in general.

Mʀ. J. C. EWART thought that the Lords' Amendment, if carried, would inflict a serious blow on the commercial honour of the country. It had always been considered that the preference shareholders were not liable to any losses occasioned by frauds committed on the company with which they were connected, and the proposed legislation was calculated to depreciate the value of all preference shares.

Mʀ. W. BROWN said, that preference shares had generally been created when railway companies were in difficulties, and it was only equity and justice, when persons had lent their money to a company in order to enable the ordinary shareholders to carry out the scheme and save the property, perhaps, under a compact that they should receive a certain amount of interest, that that compact should be fulfilled. It would be a great blow to commercial honour to attempt to do anything against the rights of the preference shareholders.

Mʀ. BECKETT DENISON said, being Chairman of the Great Northern Railway Company, he desired to say a few words. The question for consideration was whether the Amendment of the Lords ought to stand part of the Bill. The Committee of the Lords had inserted the words in question for the purpose, but only for the purpose, of making clear an opinion previously expressed by the Common's Committee, but which might have given rise to much litigation, if allowed to remain in the state in which it stood when the Bill went to the other House. The case of the preference shareholders was fully discussed before the Common's Committee, and they were unanimously of opinion that the preference shareholders had no claim for exemption from their share of the loss occasioned by Redpath's frauds. These shareholders petitioned the other House, and were there represented by able counsel, but after hearing both sides, the Lords came to the conclusion that the decision of the Commons ought to be affirmed. The words under discussion were proposed for the purpose of settling the whole question at once and for ever, and in order to prevent litigation. They were opposed by counsel on the part of the preference shareholders, but the Committee agreed to them with the object which he had stated. During the progress of the Bill through the House of Lords, Lord St. Leonards and Lord Wensleydale took the side of the preference shareholders. Lord St. Leonards did not express any strong opinion that the preference shareholders had a clear right to the advantage claimed for them; but his object was to leave out of the Bill the very words which were at that moment under the consideration of the House of Commons, so that the rights of the parties might be tried in a court of law. Two noble Lords, who had been members of the Lord's Committee, had upon the same occasion addressed the House, and stated that their object in supporting that clause, with the additions, was to prevent future litigation. The noble Lord the President of the Board of Trade had expressly declared that he thought that was the most judicious course which could be pursued. The intention originally entertained by the Directors was, that the amount of the frauds should be capitalized, as it was called, and that the loss should be borne by the unprotected shareholders; but the noble Lord the Chairman of the Lords' Committees said that he would not consent to any arrangement of the sort, and that he would insist on the money being at once paid out of the profits of the company. The consequence was, that under the advice of the Attorney General, a Bill was brought forward and passed through both Houses, under which it was enacted that the amount of the frauds should be paid out of the earnings of the half-year, and that whatever was left of those earnings should be distributed among the proprietors, according to the priority of their claims. That was the purport of the Bill which had been passed by the House of Commons. When the Bill went before the House of Lords, doubts were expressed as to whether it would ensure the attainment of the object for which it had been framed, and prevent litigation. The consequence was, that the words at present in dispute were added by the House of Lords to the Bill; and on a division in the Lords, that Amendment was carried by 43 votes against 7. The question at present before the House of Commons was nothing more or less than a provision which should make that clear respecting which some doubts had been expressed, but would not in any way alter the character of the Bill. That was the state of the case between the House of Lords and the House of Commons. It appeared to him that a misunderstanding prevailed with respect to the rights of the preference shareholders. It was admitted that those parties were not in the same position as guaranteed shareholders. The meaning of the right which they enjoyed was that if there was a profit beyond all the expenses incurred in the management of the railroad, they should be paid the amount of their interest before the general shareholders. He was glad to find that that statement was generally admitted; that it was, in fact, admitted that the preference shareholders were not guaranteed shareholders. The simple question the House had to consider was, whether the preference shareholders were in such a position that they could not only claim their portion of the balance for one half-year after the charge on account of the frauds had been met, but as much of the profits of the succeeding half-year as would be required for the full payment of their demands. A good deal had been said about their being entitled to payment from June to June; but all railway companies began their year's accounts in January, and ended them in December. The legal question raised is, whether the preference shareholders could put their hands on any portion of the earnings of the year 1857, and claim out of those earnings the sum which was not paid to them out of the profits of the last half-year of the year 1856. He submitted to the House with some confidence that if the preference shareholders were invested with such a right, they would clearly be, for all practical purposes, guaranteed shareholders. Nobody denied, that they were partners in the concern. They assisted at the meetings of the company; they had the same rights at those meetings as the other shareholders; and they took away a large portion of the profits. There could be no doubt but they were shareholders, and the question the House had to decide was whether, because they were preference shareholders, they could claim out of the earnings of the first half-year of 1857 the sum which they did not receive out of the earnings of the last half-year of 1856. The Committees of both Houses of Parliament, and the Attorney General, said that they were not entitled to make up a deficiency in their receipts during one year by laying hold of the earnings of the year following. The object of those who represented the preference shareholders upon that occasion was to let the question go before a court of law. But if the present clause were rejected, and the matter was to be left to the decision of a court of law, his hands as chairman of the company would be tied until the court should have pronounced its judgment, and in the meantime he could not distribute any portion of the earnings of the company. The amount in dispute was between £80,000 and £90,000, and until a court of law should have pronounced their decision how that money was to be paid—a decision which might not be given before Christmas next—the distribution of the profits of the company must be suspended. There were widows and orphans who depended for their livelihood on the regular payment of the dividends of the company, and it would be a great hardship on them if they could not be paid at once. He hoped the House would not subject the shareholders to so great an inconvenience; and he respectfully submitted that the best course they could then adopt would be to agree to the words added to the Bill by the Lords.

Mr. SCHNEIDER said, he wished to ask the hon. Gentleman whether the preference shareholders had not a contract by which they were entitled to the payment of dividend from the month of June in one year to the same month in the year following, so that they ought to receive out of the profits of the first half of this year the annual per centage they had not received out of the profits of the second half of last year?

Mr. BECKETT DENISON said, that was precisely the question which would

have to be tried by a court of law, and his opinion could be worth nothing upon such a point. He could state, however, that there was no contract, as far as he was aware, specifying that the interest on the money lent by the preference shareholders should be paid between the month of June in one year and the same month in the year following.

Mr. LOWE said, he had given this question, as it was his duty to have done, a consideration commensurate, he hoped, with its importance, and he would briefly state to the House the conclusion at which he had arrived. The Bill which had been introduced into that House was obviously a necessity. It was necessary for the purpose of giving validity to the spurious stock, and enabling the company, by giving them power to purchase and extinguish it at the same time, to keep their stock within the limits assigned by their Act of Parliament. But the Committees of the two Houses of Parliament, to which the measure had been referred, had assumed powers beyond those original objects—and because they had become, as lawyers called it, seised of the subject, had undertaken to determine by whom the loss in that case should be borne, whether by the ordinary shareholders exclusively, or by the preference as well as by the ordinary shareholders. They had decided the question in favour of the ordinary shareholders, and against the preference shareholders. The question was whether they had been right in so deciding, or whether, even supposing their decision might be thought an erroneous one, the House ought to overrule that decision which had been given after a full consideration of the case. He humbly thought, after having bestowed upon the matter all the attention in his power, that the House was not bound by the decision of either of those Committees, and that it was competent for them to entertain the question. If that were a subject which had been legitimately brought before the Committees of the two Houses, he would not be so rash as to impugn their decisions upon a point which they must have had a much better opportunity than the House of duly considering. But if a Committee went rather beyond their jurisdiction, as it seemed to him that each of those Committees had done in that instance, he believed it was competent for the House to enter into the question whether the Committee had been right; and if it should be held that the Committee had done wrong, to undo that wrong. How did the matter at present stand? It was not denied that there had been no difference of opinion between the Committee of the House of Lords and the Committee of the House of Commons in that case, and that all that the Committee of the House of Lords had done by the Amendment was to give effect, by more explicit language, to the decision of the Committee of the House of Commons. But he confessed that after the best consideration he had been able to give to the subject, it appeared to him that the Committees of the two Houses had fallen into an error in entering at all into that matter, and that they ought not to have undertaken to decide who were the parties, whether the ordinary shareholders, or the preference shareholders, by whom that loss should be borne, but ought to have left that point to the decision of a court of law. The question at issue was, whether the preferred shareholders had a right to be the first parties paid out of the whole sum to be applied for dividend during a period of twelve months; or whether they had that priority of right with respect to that sum only which was to be applied for dividend during a period of six months. That was a question, he apprehended, which should be determined not by the practice of any railway company, but by the legal instruments under which the two classes of shareholders held their rights. It was properly and strictly a question for a court of law, and he hoped that the House would not deprive any individuals of their right to appeal on a question of law to the constituted tribunals of the country. By disagreeing to the Amendment of the Lords, the House would not in any way be prejudging the point in dispute in favour of either class of shareholders; but would leave them to fight the matter out before the legitimate tribunals, and that, he apprehended, was the proper course for the House to pursue. He should humbly submit to the House that the two Committees were in error in supposing that they had a right to exercise a jurisdiction over the property of the shareholders of the company. It was said, however, that no dividend could be paid during the whole of this year, if the Bill were not passed. He thought that was exceedingly probable, because, until it should be known who were the parties entitled to the money, it was impossible that, as far at least as regarded the sum in dispute, it could be paid away. But if the view he had submitted to the House was a just one, and if by the passing of the Bill those preference shareholders would be deprived of what they believed to be their rights, without being allowed to have recourse to those courts of law which ought to be free to all her Majesty's subjects, he submitted that it was not for the House to allow the inconvenience to which he alluded to stand in the way of the attainment of justice. But he had further humbly to express his belief that if the House should dissent from that Amendment, it would be competent to the House of Lords, if they should think fit, to introduce into the Bill any clause they might consider necessary for the purpose of obviating any such inconvenience as that pointed out by the hon. Gentleman, the chairman of the company. Under these circumstances he thought the House would act wisely in rejecting this Amendment of the Lords.

MR. FITZROY said, he could not quite agree with the arguments put forward by his right hon. Friend who had just addressed the House. It appeared to him that the issue then before them was one of the narrowest description. The question they had to consider was whether the Amendment of the Lords so altered the scope and purport of the Bill that the House would be justified in withholding from it their assent. Now, it appeared to him that their Amendment would lead to no such result. If the Amendment had a tendency to throw on the preference shareholders, as the hon. Member for North Warwickshire assumed that it would do, a liability to which they had not previously been subjected, the right hon. Gentleman, Mr. Speaker, would not have allowed such an Amendment to appear on the notice paper; because it was one of the best established rules of the House that the Lords should not be allowed to extend the liability which a measure sent up from the Commons would impose. The hon. Member for North Warwickshire said that the preference shareholders had acquiesced in the Bill which had passed through the House, and only objected to the Amendment introduced into the measure in the House of Lords; and he (Mr. FitzRoy) believed that statement was perfectly correct, for a petition from the preference shareholders, which he held in his hand, showed that they perfectly understood the liability to which the Bill subjected them. Moreover, the same objection as was now raised to the Amendment of the Lords was discussed before the Committee of the Commons, as the Attorney General and another learned counsel had expressed their opinion that it was just and right that the losses occasioned to the company by the frauds and forgeries of Leopold Redpath should be borne by all classes and ranks of the shareholders. But his right hon. Friend the Vice President of the Board of Trade said that the Committees of the two Houses, in deciding on the rights of the preference shareholders, had exercised an authority which they were not entitled to assume. The preference shareholders, however, had acquiesced in the Bill as sanctioned by the two Committees, and had been perfectly content to abide by its provisions; and that Bill would throw upon them precisely the same liability as the Amendment of the Lords to which they at present objected. If the Committee of the House had gone, as stated by his right hon. Friend, beyond the limits of its legitimate jurisdiction in preparing such a measure, the proper time for objecting to the course it had pursued was during the progress of the Bill through the House. It was not for them to attempt to determine at that moment whether the decision of the Committees of both Houses had been right or wrong. He would not give any opinion on the merits of the question, but all he said was that a similar provision to that contained in the Amendment had been inserted, or had been meant to be inserted, in the Bill which had passed through the House of Commons; and that being the case, he did not think the House could then reject the clause.

Mr. SPOONER said, it was a mistake to suppose that he had stated that the preference shareholders had not objected to the Bill which had been sanctioned by the Committees of the two Houses. All he had said, or at least all he had meant to say was, that, as he had been advised, those shareholders objected to the Amendment in the Bill, because they had been informed that without it their rights would remain unaffected by the measure, and could only be decided by a court of law.

Mr. BRISCOE said, he thought the House and the preference shareholders in the Great Northern Railway Company were much indebted to the right hon. Gentleman (Mr. Lowe) for his clear statement, which would enable hon. Members to arrive at a wise and just conclusion on this subject. The question was one of great importance, and they should be careful not to establish a precedent which might shake the confidence of the public in the value of guaranteed and preference shares. That House was not committed to the clause in the form in which it had been sent down from the House of Lords, and he hoped the House of Commons would not consent to become the mere registrars of the opinions of the other House. He would therefore give his support to the Amendment of the hon. Member for North Warwickshire.

Mr. P. W. MARTIN was understood to say that the question raised during this debate had not been discussed by the Committee of that House, who were of opinion that the matter did not come within their jurisdiction. He had wished to put some questions to the witnesses on the subject, but was not permitted to do so.

The question was then put by Mr. Speaker, that the House should disagree to the Lords' Amendment, and the right hon. Gentleman declared that he thought the "ayes" had it.

Mr. BECKETT DENISON said, he perceived that there would be no use in putting the House to the trouble of dividing. The general sense of the House was evidently opposed to the clause, and he felt bound to bow to their decision, however much he might regret it.

Motion *agreed to.*

Committee *appointed,* "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendment to which this House hath disagreed:"—Mr. Spooner Mr. Headlam, Mr. William Brown, Mr. Newdegate, Mr. Lowe, and Mr. Briscoe:—To withdraw immediately; Three to be the quorum.

Reason for disagreeing to Lords' Amendment *reported* and *agreed to;*—to be communicated to the Lords.

PUBLIC CHARITIES BILL

SECOND READING.

Order for Second Reading read.

Mr. HARDCASTLE, in moving the second reading of this Bill said, its principal object was to diminish the expense of appointing new trustees for charities which derived their revenues from land, and also to afford trustees of such charities a cheap mode of obtaining incorporation. It appeared from the Report of the Charity Commissioners that at the time their inquiries were instituted there were between £5,000,000 and £6,000,000 invested for charitable purposes in public stocks: upwards of £1,000,000 was invested in different forms of mortgage; revenues amounting to £80,000 a year were derived from rent-charges; and there were about 440,000 acres of land belonging to these charities, producing at the time the Report was presented an annual rental of £900,000 but which now probably yielded more than £1,000,000 a year. This large quantity of land was, however, divided into almost infinitesimal fragments, and was distributed among from 25,000 to 30,000 charities, whose average rental did not amount to more than £40, the revenue of many hundreds not exceeding 40*s*. New trustees could only be appointed by deed, which involved a cost of about £10, and the consequence was that when such appointments took place these minute charities were subjected to great loss. As a necessary result of this state of things, trustees were appointed very irregularly, and sometimes not at all, and consequently in many cases the charities lapsed. Any one who looked over the list of charities would see that a great number had lapsed; but besides those charities which were known to have lapsed, there were many which were never heard of at all. There were many charities the donors of which were never known, and this was the first step to the lapse of a charity. The Bill he was submitting to the House had been framed with a view of remedying these evils. It proposed the appointment of a Registrar General of public Charities with an office in London, which it might probably be convenient to attach to the existing registrarship of births, deaths, and marriages. It also proposed that the existing trustees of public charities should have the opportunity of depositing their deeds with such registrar upon payment of a small fee, not exceeding £3, and that by registration and the payment of the fee, the trustees should be incorporated, thus securing the benefits of perpetual succession. It was further proposed that the fee for the registration of any new trustee should be 10*s*. The Bill might be objected to on the ground that it would involve a demand upon the public purse, but from calculations which had been made, he was satisfied that the registration office would be self-supporting. The right hon. Gentleman the Member for Oxfordshire had reminded him that, by creating numerous groups of petty corporations they would destroy the individual responsibility of trustees. He acknowledged that the Bill as it stood was open to that objection, but if the House allowed it to go into Committee, he would propose a clause with the view of continuing the individual responsibility of trustees after incorporation. With these few remarks, he begged to move the second reading of the Bill.

Mr. EVANS seconded the Motion. There were a great many of these small charities in the county in which he resided, and he could speak from experience of the necessity of some such measure as that which had been moved by his hon. Friend.

Motion made and Question proposed, "That the Bill be now read a second time."

Sir JOHN TROLLOPE said, he objected to the Bill on the ground that it would create a new Government Board under the control of the Treasury, observing that such a proposal ought, in his opinion, to emanate directly from the Government. The hon. Gentleman who moved the second reading had asked the House to allow the Bill to go into Committee, in order that any objections might be considered at that stage, but he (Sir John Trollope) thought the sense of the House ought to be taken upon the second reading of a measure which involved a principle of so much importance. This Bill, he must observe, entirely ignored the existence of a large and expensive administrative department—the Charity Commissioners, who cost the country something like £16,000 a year. The hon. Gentleman, however, proposed to incorporate the trustees of these charities, and to establish a new and most expensive Board, consisting of a Registrar General, a Deputy Registrar, and a staff of clerks who must, of course, be provided with the necessary offices and fire-proof buildings. He (Sir John Trollope) thought the establishment of such a department was most objectionable. He thought very little credit could be taken for saving in respect of this measure, for it appeared to him that as fees would still be payable under the Bill, it was a mere question of balance. The constant enrolment of trustees would often give rise to ill-will, while the fees paid on the enrolment would be too small to have any great influence on the working of the Bill. The promoters of the Bill seemed to have overlooked the fact, that when trustees became incapacitated for acting, the representative of the survivor had the opportunity of creating a new body of trustees by feoffment and enrolment in the Court of Chancery at a very trifling expense. He thought that Her Majesty's Government ought to say whether they approved of the creation of a new Board, though, as he considered, the number of Boards already in existence a great evil, and was, moreover, opposed to the patronage which would be created by the Bill: he should move that it be read a second time that day three months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the word "upon this day three months."

Mr. MASSEY said, he thought the objection urged against this measure to which the hon. Gentleman (Mr. Hardcastle) who moved it, had referred, was one of great weight,—namely, that by incorporating these small trusts they would go far to destroy the responsibility of individual trustees, and to diminish their interest in the proper administration of the funds under their control. The hon. Gentleman proposed to bring forward in Committee an Amendment to meet this objection; but the principle of the Bill was the incorporation of trustees, and if the hon. Gentleman abandoned that principle he must be prepared to give up the whole Bill. He (Mr. Massey) thought that at this period of the Session, and considering the importance of the subjects yet to be discussed, the House ought not to be called upon to waste its time by considering the *minutiæ* of this Bill, in Committee. But passing over this objection he could see no necessity for the incorporation of these small trusts. His hon. Friend (Mr. Hardcastle) said his object was to prevent these trusts from expiring, and fancied he achieved that object by converting the trustees into corporations. The hon. Gentleman had, he supposed. heard the legal maxim that a corporation never died. That was true enough in theory, but there must be some practical provision for keeping up its perpetual succession. Now he (Mr. Massey) saw no provision in the Bill which would secure to the newly-constituted corporations that vitality which the hon. Gentleman wished to attach to them. Then again, the hon. Gentleman proposed, by the payment of a small fee of 10*s.* on the appointment of each new trustee, to raise a fund which he hoped would defray the cost of the machinery necessary for carrying out the objects of his Bill; but he (Mr. Massey) contended that such a system of petty fees would be altogether inadequate for that purpose, and that the result would be that the Consolidated Fund, already over burdened, would have eventually to bear the cost. He denied, too, that Parliament had been negligent of the interests of those charitable bodies. A few years ago this subject was deliberately discussed in all its parts in that House, and the result was an Act of Parliament embodying the Charitable Trusts Commission. That Act had only been in operation a few years, but he was not aware that the expectations of those who framed it had been disappointed. The application of that Act was especially directed to those obscure and small trusts which had escaped public observation and run a risk of falling into desuetude, and very minute provisions were made for their government while it provided a very summary process by which a trustee might be discharged of his office. He would therefore ask if it was reasonable to substitute for the action of so simple, easy, and intelligible a system as that, a Government Board with such complicated machinery? He might also mention that a Bill had passed this House and had been referred to a Committee in another place, which partly dealt with the alleged grievance, and they might well wait till that Bill was disposed of. For the reasons he had stated he would support the Amendment of the hon. Baronet opposite (Sir John Trollope).

Question, "That the word 'now' stand part of the Question," put, and *negatived:* — Words *added:* — Main Question, as amended, put, and *agreed to:*—Bill *put off* for three months.

TENANT RIGHT (IRELAND) BILL.

BILL WITHDRAWN.

Order for Second Reading read.

Mr. MAGUIRE said, he rose to move that the order for the second reading of this Bill be discharged, and in doing so he thought it only just to say that an hon. Friend of his, no longer a Member of that House, but who recently sat for the county of Mayo, had done everything in his power to bring forward this question at an early period of the Session in order to have it considered by the House, but that he had been unsuccessful in the ballot. He (Mr. Maguire) himself and many other Irish Members with whom he acted were deeply interested in the success of the Bill, but they thought that there was no advantage to be gained by a protracted discussion at the present moment. A deputation had waited on the noble Lord at the head of the Government. The noble Lord's reply, though not so satisfactory to his hon. Friends as they might have hoped, was yet such that they felt they should best serve the interests of the cause by withdrawing the Bill. He firmly believed that this question could only be settled by the Government, and that no private Member, whatever his influence or his following might be, could deal with it so as to bring it to a final and successful issue. He contended that it was the duty of the Government to bring a question of this great importance forward, and not allow the hopes of the Irish people to be tantalized and disappointed year after year. He would respectfully appeal to the Secretary for Ireland to take up the subject. That right hon. Gentleman had a prosperous and happy tenantry, and from what he (Mr. Maguire) knew of him, he could say that his dealings with them were fair and equitable; but, the right hon. Gentleman knew, that there were many landlords in Ireland who did not act with equal fairness towards their tenants, and who were animated, besides, with the insane desire of taking the lands out of their hands and sending them abroad in the world. That was a course of dealing fatal to the prospects of Ireland, and detrimental to the stability of the whole empire. According to the census of 1851, there were 6,552,000 human beings in Ireland; now there were not 6,000,000, and in two or three years hence they might be further reduced by another million. That did not augur well for the strength of the country. In 1854 the Government were driven to such straits to get recruits that they sought them among the people of a friendly State, and were involved in some altercations (not to our credit) with America, for the sake of a miserable squad of thirty Germans. Now, from Ireland, our army could always be recruited, for the martial spirit of the Irish eminently fitted them for soldiers. Was it wise, then, looking to the present state of India, and the constant drain of troops, by an act of impolicy to drive the people from the country, and so wither the right arm which was ready to save her in the hour of danger. He would earnestly call on the right hon. Gentleman, the Secretary for Ireland, to take this matter into his serious consideration during the recess, and to place a Bill on the table next Session, which, after full discussion by the House, might be passed for the great benefit of the people of Ireland.

Mr. BAGWELL said, that having, with many other hon. Members for Ireland, been returned upon the express understanding that he would support this much-required measure, it was necessary that he should state that he concurred in the reasons given as to why it would be useless to attempt to carry it this Session. At the same time he said it was more called for at the present moment than at any other time. It was a truism that the great strength of England lay in her manufactures, but those manufactures could not be carried on in the face of a competition with the whole world without cheap labour, and if the supply of labour went on decreasing as it had done for some years past in Ireland, our manufacturers would find themselves driven out of more markets than they had already been by the competition with which they had to contend. The population of Ireland according to the census of 1851, was 6,552,285, and down to the present year it had been reduced by 754,334. If that had been the case in the years immediately preceding 1851 his argument would have gone for nothing, but the decrease had taken place in years of undoubted prosperity in Ireland, and especially agricultural prosperity; and what were they to expect if the present system of emigration from Ireland was allowed to go on? It was true that of late there had been a general decrease of crime among the Irish people, and in some districts it had disappeared altogether; but if a question of this kind was allowed to remain from year to year unsettled, the bad feelings of the people, which were sleeping but not dead, might be roused at any moment under a bad harvest or the pressure of some other form of distress. A large majority of the Irish Members had been returned on the solemn pledge to their constituents that they would support a measure of this kind, and he called upon the Government to give them, at the beginning of the next Session, a practical opportunity of fulfilling that pledge.

Mr. GREER said, that nothing would have induced him to consent to the withdrawal of this Bill but the absolute certainty that it could not pass in the present state of public business. So urgently was the measure required that he sincerely hoped the Government would take it up next Session, and that hon. Members on all sides would agree to pass a measure which might well be termed one of justice to Ireland, for until this grievance was removed he did not think the people of that country could go forward in the cause of prosperity now opening to them. Large and valuable properties were now held on the mere sufference of the landlord, and the interest of parties was absolutely sacrificed. He said this in relation to reclaimed land, which had been put, as it were, out of the pale of the law. It was desirable that the question should be settled to the satisfaction of all parties, and, when the matter was brought forward again, he hoped the Government would defer considerably to the feelings and wishes of the Irish people and of their representatives in that House.

THE O'DONOGHOE said, the character of the deputation, which recently waited upon the First Lord of the Treasury on this subject, was such that it could no longer be said that among the advocates of tenant right there were to be found few persons possessing a large stake in Ireland. He hoped the Secretary for Ireland would find it convenient to make some statement as to the future intentions of the Government in reference to this matter. He would say, but in no threatening spirit, that so long as this question remained unsettled, so long would it be a source of agitation in Ireland; and the Irish Members had the example of the House of Commons to justify them in resorting to agitation in carrying such a measure.

MR. HATCHELL said, he could confirm the opinion which prevailed in Ireland that the only way of bringing this question to a satisfactory conclusion was by its being taken up and dealt with by the Government of the day, and that it would never be advanced one step so long as it was pressed upon the House by any private Member, whatever might be his weight or the number of his followers. When the deputation waited upon the noble Lord at the head of the Government there was no dissenting voice among the hon. Gentlemen composing it with respect to the principle of the Bill brought in by Mr. Moore; and, though there were some observations made at the interview in which he (Mr. Hatchell) could not concur, the principle of affording some certainty of tenure to the occupier of the soil, and some security with regard to improvements, was recognised and adopted by every one present. When that was the state of feeling on the subject among the Irish Members, and when the large number of petitions on the table of the House showed that, they were supported by the nation, he could not understand why the Government should hesitate to bring forward a measure based on that principle.

MR. H. A. HERBERT said, he must decline to give any distinct pledge on the part of the Government. The former discussion on this subject showed how difficult it was of settlement. He would recommend Irish Members to be moderate in their demands on behalf of the tenants, and if any Bill were brought forward next Session, he could assure them that the Government would give that serious consideration to the subject which its importance required.

MR. STAFFORD said, this was the only subject which the Government had not promised to consider during the recess, and upon which the Government had not promised to bring forward a Bill next Session. He inferred that they had no intention to bring forward any measure at all, and it was admitted that it was impossible for a private Member to introduce a measure with any chance of success. He hoped Irish Members, in the present prosperous and tranquil state of that country, would seriously consider whether they might not be mistaken in some of the principles upon which they had attempted to legislate, and abandon a cause which, by the concurrent testimony of the Government and of those who advocated it, was utterly hopeless.

Order *discharged.* Bill *withdrawn.*

BURIAL ACTS AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

MR. MASSEY proposed a Clause to prevent removal of bodies from burial-grounds, save under faculty, without the order of the Secretary of State.

Clause *added* to the Bill.

MR. MASSEY said, he rose to propose a clause to settle the difficulties which had arisen as to the consecration of burial-grounds, with reference to the separation of consecrated from unconsecrated ground. In most cases the matter had been amicably settled, but in two or three instances bishops had exacted conditions not required by the majority of the episcopal bench. In one instance there was a case pending in a court of law upon the subject, the right rev. Prelate requiring a very marked, visible, and substantial separation between the portions of the ground allotted to churchmen and dissenters. Nor was this a singular case of the kind; for in another case the demand of the bishop was not only unreasonable, but utterly illegal, and the right rev. Prelate actually refused to obey the law, requiring a condition for consecration which the law did not authorise him to demand, viz. that a conveyance to and fro should be provided for the officiating clergyman. The result was that persons were obliged to bury relatives in unconsecrated ground. The Government had been pressed to make a provision against the recurrence of these difficulties. No doubt this was treading on delicate ground; but, on the whole, he thought the interference proposed was reasonable, because rendered necessary by the refusal of some of the bishops to obey the law. The Burial Acts to a great degree threw on the Burial Board the duty of superintending the preparation of burial-grounds; and the grievance was, that members of the Church of England were prevented by those difficulties from availing themselves of the right of burial in consecrated ground, to which by law they were entitled. Certainly there had not been many cases, but there had arisen one or two instances of difficulty: it would form an inconvenience for which it was necessary to provide a legislative remedy; and the clause proposed provided that when the Secretary of State had approved of a burial-ground, the incumbent of the parish or his curate might bury in it before consecration, without being liable to spiritual censures. The clause had been submitted to very high ecclesiastical authority, and had been approved of.

Clause (In any Burial Ground provided under the powers of the Acts hereinbefore recited, or this Act respecting which one of Her Majesty's Principal Secretaries of State shall have certified that the necessary provisions have been complied with, it shall be lawful for the incumbent of such parish, or his curate, or such duly qualified person as such incumbent may authorise, to bury in such Burial Ground).

Brought up, and read 1°.

MR. GLADSTONE appealed to the hon. Gentleman not to press a clause which was open to the gravest objections. The hon. Gentleman had admitted that the clause was of an extraordinary character and required an extraordinary justification. The hon. Gentleman, however, had mentioned only two cases, admitting that in almost every instance the difficulties had been adjusted by the good sense of the parties. The case in which the bishop had appeared unreasonable with respect to the character of the separation was before the Courts of law, and if the Courts of law could not deal with it efficiently the Government would have no difficulty in framing a provision by which the controversy might be brought to a conclusion. He granted that it was a serious matter, where the bishop was determined to disobey the law, and refused to consecrate until provision was made for carrying the incumbent to and fro between his residence and the burial-ground; but, although bishops were very high personages, they were under statutory obligations, and those obligations might be enforced. This clause did a great deal too much, and a great deal too little. It did too little, because it did not provide a remedy for the grievance of which complaint was made. The grievance was, that members of the Church could not obtain burial in consecrated ground, while the clause would merely enable the incumbent to bury them in unconsecrated ground. Besides, the incumbent, notwithstanding that the clause permitted him, might decline to bury in unconsecrated ground, and the bodies of members of the Church of England would remain unburied, or be buried in the same defective manner as at present. It did too much, because it abolished the whole force and effect of the Act of Uniformity, upon which our ecclesiastical system was based. The incumbent, who could not now officiate in unconsecrated ground, might officiate or not as he pleased. The bishop could not proceed against him. He would be removed from the operation of the ecclesiastical law, and might bury with the English office, or with extempore prayers, or with the rite of the Roman Catholic church. It would be placing in the hands of the clergy the power to create anarchy, so far as the rite of burial was concerned, simply because a particular bishop had refused to do his duty, and had made a demand which was unreasonable and absurd. Some other bishop might make unreasonable demands with regard to the office of baptism, and by virtue of this precedent a clause might be passed allowing the clergy to baptize as they pleased. The passing such a clause would have the effect of emancipating, if it might be so called, the clergy from canonical obedience and from the observance of the Act of Uniformity. The prelate who had made the demand for the conveyance of incumbents was known for his high character, his talents, and his experience, and if a little time were given for consideration, no doubt the dispute would be brought to an amicable settlement. He could not admit that a case for legislation of some kind might have arisen; but if it had, the remedy proposed was ineffective on the one hand and objectionable on the other. There was one other point to which he wished to advert before he sat down. Not very long ago a memorial or petition was presented in another place from 3,000 or 4,000 clergymen, complaining of the hardship of being compelled to read the burial-service over persons who had not led a Christian life or died a Christian death. It was admitted that there was some hardship in the compulsion, but it was thought unadvisable to give the clergy the uncontrolled discretion whether they would perform the burial-service or not, according to their own standard of sanctity in life or rectitude in doctrine. This clause would introduce a system in which it would be open to the incumbent to stand at the gate of the burial-ground, to call upon the persons who brought the body to be buried to testify to the life, opinions, and belief of the deceased, and then to make his decision whether he would bury or not. He was quite sure the clause was introduced with motives and purposes entirely different, and that it was never intended to raise the difficulties to which he had referred.

Mr. DILLWYN said, that the refusal of the bishop alluded to had taken place in the district which he had the honour to represent. Time for consideration had been given to the right reverend Prelate in question, but there was no prospect of an amicable settlement. The ground was about a mile from the town on one side, while the incumbent had built for himself a house about two miles distant on the other. Under these circumstances the bishop refused to consecrate, unless a conveyance to and fro for the incumbent was provided. The State arbitrarily forbad the use of the old burial-grounds, and when the parishioners bought a new one the bishop refused to consecrate unless an arbitary requirement was complied with. The case therefore stood thus:—The rich were compelled to bury their relatives at a distance, in outlying districts, and the poor to go to the cemetery, a dissenting minister reading the service over the body. That was a practical difficulty, and, in his opinion, was practically dealt with by the clause proposed. He (Mr. Dillwyn) had suggested a much stronger remedy, but was willing to accept the one proposed by the Government.

Sir WILLIAM HEATHCOTE said, he had no doubt of the excellent motives which had suggested the clause, but he hoped the hon. Gentleman the Under Secretary would seriously consider the objections made to it, as it would be unwise on account of a particular grievance to legislate in a manner that would lead to still greater inconveniences. The provision would be ineffectual for the purpose for which it had been framed, as it did not at all apply to the consecration of burial-grounds. Both the cases put were infractions of the law; but he could not believe that it was necessary to legislate at all, for he thought that, upon being made acquainted with what had passed during the present discussion, the right rev. Prelate who had been referred to would see that he had been acting against the law, and the state of matters which was now complained of would not long continue. If even the grievance were not terminated, a proper remedy should be applied, not in the indirect manner proposed by the clause, but by giving greater facilities for enforcement of the law. The clause, if passed, would, if compulsory, place incumbents in the position of failing in their canonical obedience, and, if permissive only, it would place it in the power of an individual clergyman to exercise his own discretion as to the burial of any of his parishioners. He hoped the clause would not be pressed, but that the interval between this and the next Session of Parliament would be employed to remove the grievance which it was intended to remedy.

Mr. HADFIELD said, he hoped the hon. Gentleman the Under Secretary of State would persevere with the clause. The demands of right rev. Prelates had grown to such a height as to become positive scandals. It was strange that whenever any measure of liberality was proposed the friends of the Church declared it was dangerous to the safety of that institution. He belonged to a Church which was never in danger; but no concession for the sake of producing harmony in the community could ever be suggested without exciting this cuckoo cry that the Church of the right hon. Gentleman (Mr. Gladstone) was in danger. The right hon. Gentleman had alluded to a grievance which had been complained of in the Church for centuries, against which 3,000 of its ministers had protested—that of requiring the stereotyped burial-service to be read over every man, no matter what his life had been or what his death, thus compelling clergymen to be the propagators of falsehood and deceit. The bishops would reform themselves just so far as the House would compel them to do so and no more, and he welcomed this clause as the beginning of a system of check upon them which he hoped would be carried further.

MR. W. WILLIAMS remarked that he thought the clause was inadequate to the evil complained of, and he hoped it would be withdrawn.

MR. NEWDEGATE said, he also would recommend the withdrawal of the clause, and recommended the hon. Member for Sheffield (Mr. Hadfield) to speak with a little more charity of the acts of ministers of a Church to which he did not belong. The reading of the burial-service over the body of a person of bad reputation was not, as the hon. Member described it, a falsehood, but was simply the expression of a hope that the Almighty would pardon the sins which the deceased had committed in this world. With regard to the difficulties which had been experienced in the division of burial-grounds, he thought it would be much easier to define a certain portion of ground for consecration than to permit a judicial discretion to individual clergymen.

MR. SALISBURY said, he should support the clause, but wished, as a Dissenter, to protest against the tone in which the hon. Member for Sheffield had spoken of right rev. Prelates whose opinions, however different to his own, he could not doubt were sincere and conscientious. He hoped the clause would be adopted, as it was only permissive, and would, he believed, lead to the restoration of a good understanding between the parties in the case that had been referred to.

MR. BERESFORD HOPE said, it was precisely the permissive character of the clause that he objected to, because it would be conferring upon individual clergymen the power of deciding upon the character of those whom they were called upon to bury. Those clergy who felt their canonical obedience most strongly, would not avail themselves of the clause; those who did not so feel the canonical obedience would avail themselves of it, and the Church would be divided into two parties, of which those who felt their canonical obedience most strongly, would be the most unpopular. The unpopular man would lose his fees, and thus the conscientious man would suffer, while the less unselfish clergyman would get the benefit of them. The difficulty could be more simply met than by such a clause as the present, involving as it did such great consequences, and introduced at the end of a Session, and in a thin House, when it could not be fairly discussed. It would be far better to wait till the Swansea case was decided, than to give a fluctuating power to persons varying in their opinions and talents so much as did the clergy of the Church of England. The difficulty of the enclosure, which had already been before a Committee in another place, might be met by the purchase of a railing at an almost infinitessimal price. This was the common-sense view of the question. The Swansea difficulty was a quarrel arising from the hot blood of both parties, which might soon be remedied by proper interposition.

MR. MASSEY said, that he was glad that no charge of rashness had been brought against him for proposing this clause; but on the contrary the right hon. Gentleman had admitted the facts on which he founded the clause. The fact was that in two instances, in consequence of errors of judgment on the part of right rev. Prelates, the inhabitants of certain parishes were deprived of their common-law right to be buried in consecrated ground. Surely it could not be said that Parliament was powerless to meet that evil. The objection to the clause was, first, that it did not meet the evil; and secondly, that it was of so anomalous a character as to break down ecclesiastical barriers in such a way, that no one knew what mischief would ensue. As to the first, he had said, that he hoped that the sense of Parliament being communicated to the right reverend Prelates, would be sufficient to check the scandal—for scandal it was—and to stop the evil; in its birth. He was happy to say that in most cases the proposals of the Burial Board had been met by the bishops in a conciliatory spirit; but this was not always the case, and the question was whether there was sufficient ground for legislative interference. If they thought that they could do without it, let them adopt other means; but, for himself, he thought the exigency sufficiently grave to warrant their acceding to this moderate proposition. It was true that it was not altogether an adequate remedy, but he trusted that it would be enough to work upon the good feelings of those right reverend Prelates now disposed to question the law, so as to put a stop to these unseemly disputes. It was true, that incumbents might refuse to avail themselves of these provisions; but if that happened, or if the episcopal authorities evinced a determination to throw difficulties in the way of carrying out the law, then it would be time hereafter to ask the House for more stringent powers. The course that was proposed of granting permissive powers to clergymen was not unknown, for it was only in the last Session that an Act was passed permitting the celebration of Divine Service in unconsecrated edifices. He might fairly shelter himself under that Act, when he was accused of producing a measure which would subvert the laws of the Church, and introduce a flood of evils of an unknown character.

Mr. SPOONER said, that there was a common-law right to call upon a clergyman to bury, which he feared the clause was calculated to take away. He also objected to the clause for the reasons which had been so ably stated by the right hon. Member for the Oxford University. He was afraid that it would open a wide door to the introduction of forms and ceremonies of an objectionable, and it might be ridiculous character. He would suggest that the clause should be withdrawn, believing that, after what had passed, those right rev. Prelates, to whom such frequent reference had been made, would see the necessity of bowing to the opinion of Parliament.

Mr. PULLER said, that the present state of uncertainty as to the law, had given rise to serious differences in the county he represented, and on that ground, as well as on the more general grounds, he objected to postpone legislation on this subject. He also wished to call attention to the fact that the clause conferred objectionable powers upon the incumbent, while it gave no right to the parishioners. He did not believe, however, that many clergymen would avail themselves of the measure. He believed that the scruple of the Bishops referred to was untenable, although the matter admitted of a doubt. The Under Secretary, he thought, ought to have confined himself to a declaratory clause, setting forth that it should not be requisite to erect a fence between the consecrated and unconsecrated portions of burial-grounds. He hoped the clause would be withdrawn; if not, he would move that the Chairman report progress in order that the Government might have an opportunity of reconsidering the matter.

Mr. MASSEY said, he must describe this as a most shabby Motion. The clause, he said, had been much discussed, and he hoped the Committee would come to a decision upon it.

Mr. PULLER said, he would withdraw his Motion, seeing that the feeling of the Committee was against it.

Mr. HARDY remarked, that one party had been left entirely out of view in the discussion which had taken place—namely, the members of the Church. The clause contained no provision securing to them what they required—consecrated ground; but he hoped that when a burial-ground was certified to be in a certain condition means would be provided for compelling the bishop to consecrate it. As the clause stood it seemed to him that, because the captain refused to do what they wanted, they were going to set his soldiers against him, and so bring about a state of anarchy. He trusted that the clause would be withdrawn with a view to the introduction of another, defining what a burial-ground should be, and compelling the bishop to consecrate it. Under the present clause it would be in the power of an incumbent to go into the unconsecrated portion of a burial-ground even when a consecrated portion existed.

The Committee *divided*:—Motion made and Question put, "That the Clause be read 2°." Ayes 108; Noes 69: Majority 39.

Mr. RIDLEY said, he would move the insertion of words compelling the bishop to consecrate any burial-ground respecting which one of the Secretaries of State had certified that the necessary provisions had been complied with.

Mr. MASSEY said, he should oppose the Amendment, as opposed to the spirit of the clause. It was an exaltation of legal over ecclesiastical authority to which he could not give his consent.

Amendment *withdrawn*.

Mr. MASSEY moved the insertion after "the incumbent of such parish" of the words "if he sees fit," with the view of rendering the clause permissive, not compulsory.

Mr. GLADSTONE said, he supposed that the intention of the hon. Gentleman was simply to authorize a clergyman to bury in unconsecrated ground, but he believed that this clause would go much further—it would, in fact, exempt incumbents of parishes *quoad* the burial-office used in unconsecrated ground from all the restraints of ecclesiastical law. He begged to ask the hon. Gentleman whether he meant to introduce a proviso to the effect that clergymen officiating in unconsecrated ground should remain subject to the law of the Church with respect to the burial-service?

MR. MASSEY replied, that in his opinion it would be extremely injudicious, to use no stronger word—to prescribe what burial-service an incumbent should use in the event of his availing himself of this clause. He took it for granted that the officiating clergyman would use the burial-service of the Church.

MR. GLADSTONE observed, that the Committee were at length getting a little light upon this matter. He did not think they knew before that it was intended to give the clergyman an option, not only as to burial in unconsecrated ground, but as to the nature of the service he was to use. If it pleased him to follow the usage of the Dissenters or of the Roman Catholic Church, he would be able to do so, pleading the authority of an Act of Parliament.

MR. BERESFORD HOPE said, that after the statement of the Under Secretary, he saw nothing to prevent a clergyman from getting possession of a plot of ground, having it certified, and then officiating at burials either without any habiliments at all, or tricked out with excessive, and perhaps ridiculous, pomp. Such a man, indeed, if he were of an energetic and original turn of mind, might found a sepulchral seat of his own.

MR. HARDY was understood to give notice that on a future occasion he would propose the insertion of words restricting the clergyman to the use of the burial-office of the Church.

Amendment *agreed to.*

On the motion of Mr. DILLWYN, the following words were added to the end of the clause—"prior to the consecration thereof."

Clause as amended *ordered* to stand part of the Bill.

SIR WILLIAM HEATHCOTE intimated that upon the bringing up of the Report he would move either Amendments upon the clause, or its rejection altogether.

MR. DILLWYN said, he should now propose a new clause to the effect that the unconsecrated part of any burial-ground which shall have been sanctioned by the Secretary of State, and respecting which the Secretary of State shall have certified that the necessary provisions have been complied with, shall immediately, upon being so certified, be deemed a part of the burial-ground of the parish or parishes for which the same has been provided.

MR. MASSEY said, he considered the clause unnecessary, its object was secured by the existing law.

Motion by leave *withdrawn.*

MR. A. SMITH said, he begged to move to insert the following clause:—

"That it shall not be lawful for any bishop, previous to or as a condition for consecration, to require the production of, or to examine into, the title deeds concerning the purchase and conveyance of any burial-ground; nor shall any sum exceeding the sum of £ be allowed in payment of the fees charged for the deed of consecration, and any other charges and expenses connected therewith."

The object of the clause was to remedy an inconvenience which had been most seriously felt in the diocese of Exeter, and to prevent the public from being any longer made the victims of bishop-made law.

MR. MASSEY observed that he thought the clause was quite out of place in such a Bill.

THE SOLICITOR GENERAL said, he also should oppose the clause. Nothing could be more reasonable than that a bishop should see the title deeds of any burial-ground he was called to consecrate; and with respect to the consecration fees, that was a question which could not be disposed of on an occasion like the present.

Clause *negatived.*

Preamble *agreed to.*

House resumed. Bill *reported;* as amended to be considered on *Monday* next, and to be printed.

WEYMOUTH AND MELCOMBE REGIS ELECTION.—REPORT.

House informed that the Committee had determined,—

That Robert James Roy Campbell, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Weymouth and Melcombe Regis:

That Colonel William Lockyer Freestun, is duly elected a Burgess to serve in this present Parliament for the Borough of Weymouth and Melcombe Regis.

And the said determinations were ordered to be entered in the Journals of this House.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 23, 1857.

MINUTES.] PUBLIC BILLS. — Bankruptcy Law Amendment; Loan Societies; Commons Inclosure; Boundaries of Land (Ireland); Public Works (Ireland); Land and Assessed Taxes, &c. (Scotland) Acts Amendment; Public Health Act (Aldershot); Industrial Schools.

THE QUEEN'S ANSWER TO THE ADDRESS

THE LORD CHAMBERLAIN OF THE HOUSEHOLD (the Marquess of Breadalbane) read the following Gracious Reply by Her Majesty to the Address of the House on Thursday last on the subject of African Emigration:—

> "I have received your Address on the subject of African Emigration, and you may be assured of my earnest desire to discourage all schemes for the Emigration of Negroes from the African Continent by any means likely to promote a traffic in Slaves."

The noble MARQUESS also read the following Gracious Reply to the Address of the House on Friday last, on the subject of the National Survey:—

> "I have received your Address, praying that a Royal Commission may be appointed to inquire into the whole subject of the National Survey, and upon the scale or scales on which it should be made, and on which it should be published; and, having taken your Address into consideration, I have directed that a Commission shall issue for the purposes which you have requested."

BANKRUPT LAW AMENDMENT BILL.

PRESENTATION AND FIRST READING.

LORD BROUGHAM then rose, pursuant to notice, to call attention to the subject of the bankruptcy laws. He said that it was not his intention to enter at large, or indeed at all, upon the general subject of the bankruptey laws. The subject, however, to which he was about to call attention was one of the greatest possible importance, and he therefore hoped that during the approaching recess his noble and learned Friend on the woolsack would devote some attention to it, with the view of devising remedies for the abuses in the administration of the bankruptcy laws, and for the defects in these laws themselves. His reason for calling attention to this matter was the proceedings that took place at the beginning of the present year, just on the eve of the last Session, at the great Conference of delegates from all the manufacturing and commercial towns, but particularly from the great towns of Manchester, Liverpool, Birmingham, Leeds, Sheffield, Bristol and Hull; while Scotland sent delegates from Edinburgh and Glasgow, and Ireland from Dublin, and, he believed, Belfast. As this Conference was assembled under the auspices of the Law Amendment Society, over which he had the honour to preside, he was called upon to take the chair at its meeting, and he must do the gentlemen who attended it the justice to say that, during the four days and the four evenings which the Conference lasted, he could not discover the least ground of objection to any one part of their proceedings. The great number of delegates who were present, the great variety of opinions on the subjects which they had met to discuss, and the still greater variety of opinions that existed among their constituencies, had no effect whatever in producing any discord or anything like wrangling or contention, or anything other than a calm, deliberate, and business-like consideration of the highly important subjects that had brought them together—which were neither more nor less than the grievances which they had to complain of with respect to the state of our mercantile law in general, and of no one branch of it more than that relating to bankruptcy and insolvency. Upon that branch of the law a highly important discussion took place, and most valuable information was communicated from various parts of the country;—opinions of great value were given; and the conflict of some of those opinions clearly showed how much these objects had been discussed in the local districts. A report had since been prepared, and presented to Government, of the various points of which they had cause to complain, with suggestions for their remedy. He (Lord Brougham) would take the liberty to observe that a body of men of this description was very differently situated from others in certain points of view. Upon the question of the existence of grievances they had every right to be heard with all possible attention, because it was for their benefit that all these provisions were made; everything was devised for their interest, and they, of all men in the world, were most concerned to know whether the law worked well or not. They might be greatly mistaken, the measures of relief they asked for might, or might not, be well advised; but as to the existence of evils, they were judges almost without appeal. He believed that some of the measures proposed by them were not adapted to give that relief which they sought, but they were clearly entitled to have these suggestions considered. He would shortly state the grounds of their complaints, and how far he was disposed to concur in the measures which they suggested by way of remedy. There was nothing on which the Conference was more unanimous than that the expenses attendant upon bankruptcy proceedings were grievously heavy. Taking an average of the bankruptcy proceedings during the last three years of which returns had been made,—namely, 1853, 1854, and 1855, (and he would omit the names of the towns in which they had taken place, because the delegates averred that the expenses were not so much owing to the law as to the officers by whom it was administered), he found that under 121 bankruptcies a sum of £90,000 was collected, while the amount distributed among the creditors was only £44,000, the remaining sum of £46,000 having been consumed by the bankruptcy proceedings. This arose mainly from the fact, that the salaries and expenses of administration were paid by fees. It was suggested that a portion of those expenses ought to be borne by the Consolidated Fund. No person was more strongly opposed than himself to the payment of officers of a court of justice and judicial expenses by fees upon suitors. But he made a very great distinction between litigation and administration, and while he would not listen to any argument for making the suitors pay for the salaries of the Lord Chancellor, the Vice Chancellor, the Master of the Rolls, and the whole judicial staff so far as they were employed in deciding causes, it was a very different thing when persons were employed in the administration of causes. In the one case all fees would be contrary to principle; in the other they might be allowed to be paid to a certain extent by those who benefited by the labours of the Court. He thought that the Commissioners and the higher officers of the Court of Bankruptcy ought to be paid by salary as in courts of justice, but that the payment of the administrative officers ought to be thrown to a certain extent upon the creditors. Their Lordships would be surprised to hear that the sum of £25,000 a year continued still to be paid as compensation to those Commissioners of Bankruptcy who by his Bill of 1831 were dispensed with, and who had not been otherwise provided for by legal promotion, and that the whole of this sum came out of the pockets of the creditors in the Bankruptcy Court. It was utterly unendurable that after a lapse of a quarter of a century this compensation should continue to be defrayed by creditors in the present suits before the courts. The extent of the Bill which he had prepared did not go beyond transferring the charge to the Consolidated Fund of the compensation payable to the Commissioners whose services were dispensed with in 1831. The next ground of complaint was, that there were unnecessary officers in the courts of bankruptcy—the messenger, the accountant, and the broker. He doubted whether the services of the messenger could be dispensed with, or the office properly abolished; and although he had framed his Bill so as to dispense with the accountant and broker, he thought the messenger should still be kept, subject to the authority of the Commissioners in each case whether it were fit that the messenger should be employed or not. The next point was the office of official assignee, and on that the Conference insisted they had the greatest ground of complaint as to the manner in which they were paid, by a per centage on the assets of each estate. He found that there was no difference of opinion in the Conference as to the mode of paying that most useful and necessary officer. But there was the greatest variety in the emoluments of official assignees. In certain cases his profits, which were paid by commission, barely sufficed to pay the expenses of his office, and he was literally left without emolument. In other cases his profits amounted to several hundreds, and even to thousands of pounds. In two instances the official assignees were in receipt of £3,000 a year, and in other cases they obtained upwards of £2,000 a year, while in other instances they had nothing. He proposed that the official assignees should be paid to a certain amount by salaries and the rest in fees, which latter mode of payment would whet their zeal and maintain their activity in collecting the assets as effectually as possible. There ought, however, to be a *maximum* of income from both sources. Another complaint, which was not altogether without foundation, referred to the irregular attendance of the Commissioners. He strongly recommended the Lord Chancellor to look into this subject, and after having obtained a return of their attendance during the last twelve months he trusted that his hon. and learned Friend would insist on a more frequent and regular attendance upon the part of the Commissioners. Great inconvenience and dissatisfaction arose, he believed, from the fact that the Commissioners in many instances lived at great distances from their respective courts; that in their anxiety not to miss a particular train in order that they might reach their residences at a certain time, the business before them was often postponed until the next day, and that great inconvenience to the suitor, witnesses, and all other parties concerned, was the result. He might also state that he found from returns which had been laid upon the table of the House that in one town 130 sittings in bankruptcy had been held in the course of a single year; while in another there had been 185; in a third 151; and in a fourth 705; but inasmuch as there were only 365 days in a year, he had been at a loss to account for the last-mentioned number until he had found that what was termed a "sitting" embraced the consideration of every one of the different matters which might have been brought before the Commissioner for decision. The fact was, he learned that those 705 sittings had been held in fifty-four days, so that not less than thirteen cases had, upon an average, been determined each day. The consequence had been the accumulation of the business to be done in a given time to an extent of which the suitors complained. Well might the courts present the scene which had been described to him as a scramble. On another point the Conference had made a suggestion, as to the propriety of which there could be no doubt whatever, namely, that a remedy should be applied to a defect arising out of the arrangement clauses, under which, according to a recent case, confirmed, he was sorry to say, by a Court of Error, there could be no assignment unless every article down to the very apparel of the creditor had been given up. There certainly ought to be some alteration of the law in this respect. He should next advert to the suggestions which had been made by the Committee to whom the Bill which he was about to present to their Lordships would probably be referred. They had expressed themselves as being in favour of permitting the estate of a deceased person who, if he had been alive, would come under the operation of the bankruptcy law, to be administered under that law; and they complained that under the present system a right of appeal was given from the Commissioner before whom a case had been heard, and who, having seen both the bankrupt and the witnesses, was likely to be the best judge as to whether a certificate ought or ought not to be granted, to the Lords Justices of Appeal, who would be in possession of no such advantages. The Committee had, therefore, suggested that an intermediate court of appeal should be constituted, which should consist of the Commissioner before whom the case had been tried and two of his fellow Commissioners. He might add, that another great objection which had been urged against the law as it stood was, that it made no distinction between traders and non-traders—an objection in the justice of which, however, he could not altogether concur. There was also a strong and general opinion expressed—an expression of opinion which did the greatest credit to their humanity—against all imprisonment for debt. Arrest on mesne process had long ceased to exist, and an approach had been made to the correct principle. That principle, he apprehended, was not to visit upon misfortune the punishment which was due only to misconduct. Where there had been fraud, or gross extravagance, or scandalous imprudence, or where the party had power but refused to perform his engagements, they might properly inflict a penalty; but if it could be so arranged that no person should be imprisoned for debt except, perhaps, for a short time previous to the necessary investigation taking place, a very great improvement would have been introduced into the law. Such were the principal recommendations of the Conference; and he had no doubt that the discussion which had already taken place, and the time which would be afforded for considering and further discussing those recommendations before the next Conference took place, would give rise to many other valuable suggestions; and so at last they might arrive, not indeed at a perfect measure, but at one that would be a great improvement upon the system which now existed. In the meantime he would ask permission to lay on the table a Bill embracing the recommendations he had just stated.

THE LORD CHANCELLOR said, that the address of his noble and learned Friend suggested to his mind some very melancholy and painful reflections, as it must have suggested to the minds of all men, who like his noble and learned Friend were really anxious for the improvement of the bankruptcy law. Those distressing reflections arose from the fact that there was no one subject connected with the administration of the law which had received so much attention, and on which so many amendments had been made from time to time as that to which his noble and learned Friend had just drawn their Lordships' attention; and the result appeared to be that all the projects of improvement which had been brought forward since his noble and learned Friend sat on the woolsack, had left the bankruptcy laws in 1857 very little better than they were in 1831, when he (Lord Brougham) commenced the work of reform. The picture drawn by his noble and learned Friend would show that the whole job was to be done over again. Up to 1831 the administration of bankruptcy was rather a private affair. There had been Commissions in London and the country in which affairs were administered before an almost domestic court, inasmuch as the parties concerned had the power of nominating their own Commissioners. That system had worked very unsatisfactorily. Funds to an enormous amount got into the Bankruptcy Court, and the Commissioners' hands, and in some cases were never distributed in discharge of the bankrupt's debts. A general outcry was raised, and his noble and learned Friend (Lord Brougham) interposed and many great changes were effected by an Act then introduced, and which was in the main a very good one. However, experience soon showed that the machinery provided by his noble and learned Friend was much more extensive than it need have been. Commissioners were appointed under that Act, and a Court of Review was established, and that system proceeded for some time. Experience, however, at length showed that the Court of Review might be done away with, and as the members of that court fell off, one by one, their places were not filled up. Their duties were first discharged by the Vice Chancellor, and afterwards by the Lords Justices. The new system, which had been at first confined to London, was afterwards, in 1841 or 1842 extended to the provinces. Experience again showed that that was a system in which the machinery was far larger than it need be. Accordingly, some two or three years ago, he (the Lord Chancellor) obtained their Lordships' sanction to a Bill providing that as Commissioners in the country retired or died off, it should not be incumbent on the Crown to fill their places up, until their numbers were reduced to the point which ought to be considered adequate to the proper discharge of the duties they had to perform. But the law of bankruptcy had been added to very much since 1842. There was, first, the Bill of the Marquess of Dalhousie—a Bill providing bankruptcy proceedings in the cases of joint-stock companies. Then came the series of Acts called the Winding-up Acts; and next the Consolidated Bankruptcy Act, in 1849, which was supposed to put everything on a perfect footing. Yet that was the system which, it appeared from the statement of his noble and learned Friend, was now so much complained of, and justly complained of. One of the greatest inconveniencies of the present system was its expense. The expense of administering the estate of an insolvent person was found to be so large that a plan had for some time been very generally resorted to, of withdrawing matters from the ordinary tribunal, and having a settlement by agreement amongst the parties. He was not prepared to contend that an investigation would not suggest some mode by which the expense of bankruptcy proceedings might be diminished. He had moved for returns which were then on the table, but not printed; and, in some respects, he saw his way clearly to a diminution of the expense. There were connected with the Bankruptcy Courts officers who went by the name of messengers, but who were in reality the functionaries who took charge of the property of bankrupts, and in whom considerable trust was reposed. He agreed with his noble and learned Friend (Lord Brougham) that it was necessary to retain those officers; but he did not think it right that they should hold offices that gave them emoluments amounting to nearly twice as much as those of County Court Judges; for he was told that the returns now on the table showed that some of the messengers were receiving £1,600 or £1,700 a year. That was an abuse which it came under his province to remedy; and he was in communication with the Lords Justices, with whom he should act on the subject. That must and should be altered; but he could not say that such alteration would effect any material diminution in the expense of administering estates in bankruptcy. It was wrong to say that the official assignees were remunerated by fees. They were remunerated in proportion to the amount they realised ; and he (the Lord Chancellor) thought it was of great importance that in every case as much of the funds should be got in as possible, and he was afraid that the adoption of any other mode of payment than a per centage would only tend to diminish the amount of the assets. He was told that for the last year or two the emoluments of the official assignees had been very large ; but when he first held the Great Seal a complaint was made to him that they scarcely received anything, and that complaint was well founded. It often happened that in times of very great mercantile prosperity like the present, there were very heavy cases of bankruptcy, which might, perhaps, be accounted for by the increased desire for speculation, to which that prosperity gave rise. As regarded those two heads which he had just named, something might be done ; but he could not hold out any hope that he should be able to materially lessen the difference between the sum realised and the sum expended. His noble and learned Friend had also called attention to the way in which the duties of the commissioners were performed both in town and country. He could only say that when his attention was called to any dereliction of duty, on the part of any of those learned functionaries—and such had only occurred in one single instance—he took immediate steps to ensure the proper discharge of the Commissioners' functions. He did not know from what authority his noble and learned Friend spoke of the proceedings of the Commissioners in the country ; but he (the Lord Chancellor) believed that in London the duties of the learned gentleman were well discharged. The establishment, as regarded Commissioners, was on a larger footing than it should be ; but there they were by Act of Parliament. Should any of them die, or otherwise cease to be Commissioner, he doubted very much that the vacancy should be filled up. There were at present five Commissioners in London. It was not necessary now to determine what course should be taken when the number was reduced to four ; but he was inclined to think that even four would be more than sufficient. As regarded what had been said about the Commissioners in the country not residing near their courts, he thought that any Commissioner who did not live

within a convenient distance of his court, so as to be always at hand, had much to be responsible for ; but it was not in his power, and if it were it would not be right, to compel Commissioners whose courts were in large towns, to live in those towns. It was, however, manifest that they ought not to live too far away from their courts. The whole subject had been under the consideration of Government, and he would give the Bill of his noble and learned Friend his most respectful attention ; and although some ten or twenty amendments had taken place in the last quarter of a century, he hoped that some scheme might be devised to make the proceedings of the Bankruptcy Courts less expensive and dilatory than they now were. More than this he was sure his noble and learned Friend would not expect him to say at present. With respect to the objections taken by his noble and learned Friend to the present system of appeal on the ground that the Lords Justices had not an opportunity of making themselves acquainted with the demeanour of the bankrupt and witnesses, he (the Lord Chancellor) should say that having for a year had the honour of discharging the duties of Lord Justice, he should look with extreme suspicion on any proposition that would have the effect of giving to one Commissioner the ultimate power of refusing a man his certificate. It would be in the last degree dangerous to a trader not to have the opportunity of appealing from the refusal of the Commissioner to grant him that certificate, the consequence of such refusal being the sending of the bankrupt out of the country, for without a certificate he could not for one week carry on trade with any degree of security. While he acted as Lord Justice several cases came before the Court of Appeal in which the Lords Justices insisted on having the bankrupt and witnesses before them ; and in some of these cases the Court reversed the order of the Commissioner, and granted certificates. He could assure his noble and learned Friend that his Bill should command his best attention, and that he should cull from it whatever seemed to him (the Lord Chancellor) likely to improve the present state of things.

Lord BROUGHAM said, that he would beg to point out in a few words of explanation, the great advantages which had resulted from the Act of 1831. So unsatisfactory was the state of the law at that time that the only wonder was that some change had not been made in it before that period, and Lord Eldon, than whom no man had been slower to encourage rash alterations in the law, had denounced it before he had been a week in the Court of Chancery, and had agreed that some alteration was not only necessary but in fact impossible to be avoided. What were the immediate effects of the change then made? Why, property to the extent of nearly £3,000,000 which was in the hands of the twenty Commissioners—the Septuagint, as they had been called—and which ought to have been distributed ten or fifteen years before, was distributed within a few months. It had been admitted by one bank that it realized £5,000 or £6,000 a year by the money left in it by assignees in bankruptcy, whereas, after the Act of 1831, such a thing became an impossibility. That Act, however, although a great improvement upon the old system, was itself capable of amendment, and it was with no feeling of discouragement—certainly with no feelings of shame that such should be the case after the lapse of twenty-five years—that he now asked their Lordships to give a first reading to the Bill which he had the honour of laying upon their Lordships' table.

Bill read 1ª.

House adjourned at half-past Six o'clock.

HOUSE OF COMMONS,

Thursday, July 23, 1857.

MINUTES.] NEW WRIT for London *v.* Baron Lionel Nathan de Rothschild, Chiltern Hundreds.

PUBLIC BILLS.—1° New Zealand Loan Guarantee; Offences against the Person; Malicious Injuries to Property; Forgery; Coinage Offences; Accessories and Abettors; Larceny, &c.; Libel.

2° Insurance Companies; Mutual Companies; Representative Peers (Ireland).

3ª Turnpike Acts Continuance.

SUPERANNUATION ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read; Motion made, and Question proposed, "That the Bill be now read a second time."

MR. WILSON said, he could assure the House that he never rose with greater reluctance to perform a public duty than on the present occasion. Circumstanced as he had been for nearly five years, in close connection with a body of men whose merits were acknowledged by all, and whose performance of the various duties appropriated to them in the public service had been such as to secure to them not only the respect but the admiration of every one associated with them, he felt that the task imposed on him of opposing the noble Lord's (Lord Naas') Bill, which at first sight had the appearance of making an arrangement highly beneficial to those employed in the Civil Service, was a painful one. Nevertheless, he should be shrinking from the duty he owed that House if, considering the official position he held, he were not to take every pains to state the whole facts, which were necessary for the perfect understanding of the question, in order that whatever might be done should be performed with a full knowledge of the whole case, and of the arguments on which it rested. The impressions under which this question had arisen to one of great public importance, and had come to be considered what might be termed a great public grievance, were, in the first place, to be traced to a belief that the fund which the Civil Service had contributed — or rather the contributions which the civil servants of the Crown had made towards the pensions to which they were entitled by Act of Parliament—were considerably larger than necessary to provide for those pensions, and that indirectly the State had already made, and would in future make, a considerable profit from those contributions. Now, whatever might be the nature of the compact between the civil servants of the Crown and the Crown itself, he was prepared to admit, that if that case could be established, whatever the terms of the compact, it would be politic to abandon the charge; and if it could be shown that the charge was too high, whatever the terms of the Act of 1834 might be, and whatever the implied contract under which the civil servants of the Crown had accepted their offices, he was prepared to say that, if not in strict justice, yet from motives of policy, they would be entitled to the reduction—at least so as to reduce the charge to what was merely sufficient to provide the pensions. The next ground, on which the impressions he alluded to had obtained currency, was the notion that there had been a breach of engagement on the part of the Crown with the civil servants, inasmuch as their contributions were to be created into a fund, which increasing at compound interest, would be entirely at their disposal for one purpose or another.

This question stood at the very threshold of the matter, and he thought that no charge could be made more grave than that of a breach of engagement, actual or implied, entered into between 16,000 men engaged in the public service and the Executive Government. However, he thought that that question had been disposed of, because the Commissioners whose Report was on the table of the House, agreeing with the Committee of the House of Commons last year, clearly and definitely decided that there was no such breach of engagement. This was, in his opinion, a point which ought to be cleared up, as it was not so much a question of policy as of the good faith of Parliament. He would, therefore, quote one single passage from the Report of the Commissioners, on the faith of whose Report the present Bill was stated to be brought forward. The Commissioners declared that, whether the deductions charged were more or less than equivalent for the superannuations awarded, no civil servant could justly complain of a breach of engagement on that account, the terms of the engagement with respect to the superannuations and deductions being well known at the time of the engagement; consequently, whatever impressions might once have existed on the point, there could be no doubt now, after the matter had been considered by the Committee of the House of Commons and by the Commissioners, that no such breach of engagement as had once been alleged did in reality exist. Then, assuming that point to be disposed of, the whole question resolved itself into one of policy; and it was justly stated in the Report of the Commissioners that, after all, this was a question of the remuneration of public servants. He thought the Commissioners took a wise and just view of the case, when they stated that the claim of pension could not be separated from the amount of salary. With regard to the question of sufficiency of salary, it would be his duty to show that, during the last four or five years, since he had occupied his present official position, there had been revisions of the salaries in almost every Department of the State, not only entered upon, but made; while the charge made for the salaries of the public servants involved an increased grant from the public funds. It was true that it had been stated by the Committee of the House of Commons that in this revision regard had not been paid to those officers who had paid superannuation charges; but he would remind the House that if they came to revise salaries not included under the Act of 1834, they were including those who had neither paid abatements, nor had a right to superannuation allowances, whereas if they revised another office at the same time which came under the Act of 1834, the House would be dealing with one which has claims on the superannuation allowance. If, then, they had two men, one not paying abatements, and therefore not entitled to a pension, and the other paying abatements and having title to a pension, they would have a right to consider those salaries as upon the same footing; and it must be observed, that with respect to those who entered the public service before 1829, and whose salaries had undergone revisal, full regard had been paid to their interests, taking into consideration the regulations existing at that time. He would state the amount of the increase of salaries in the three great departments of the Inland Revenue Board, the Board of Customs, and the Post Office. In 1852, the total amount of the salaries connected with those Departments was £2,167,000, and the amount had now risen to £2,450,000, showing an increase of nearly a quarter of a million. He did not say that this increase was an increase entirely of salaries, but he was quite certain that a considerable proportion of it was occasioned by an increase of salaries to individual officers. The appendix to the Report of the Commissioners contained a comparison of the remuneration received by public servants of the Crown and by persons employed in large public establishments unconnected with the Crown. It appeared that in the Bank of England clerks of eighteen years of age received £60 a year, of nineteen years £70 a year, of twenty years £80 a year, and of twenty-one years £100. After the age of twenty-one the salaries went on increasing £5 a year until the age of twenty-nine, when the clerks received £140 a year, and the salaries then increased progressively up to the age of forty-three years, when the *maximum* salary of £250 was reached. Now, clerks in the public service, in departments where the duties were at all analogous to those performed by clerks of the Bank of England, received a much higher scale of salaries. The lowest salaries given in the public offices in Westminster were £90 a year, and some commenced at £100, and it would be found upon the whole that the public servants were infinitely better paid than the clerks in the Bank of England. If, however, any portion of the public servants considered that they were insufficiently remunerated they had only to submit their case to the heads of their departments, who—as had been repeatedly done during the last four or five years—would bring the subject under the notice of the Treasury, and so far from there being any disinclination on the part of the Treasury to consider such claims, they had always met them most liberally. But, although the insufficient remuneration of public servants might be a just ground for revising the scale of salaries, it could be no reason for an indiscriminate increase of salaries, without regard to merit or efficiency. The proposition of the noble Lord would amount to an indiscriminate increase of salaries, throughout the public service to the extent of 5 per cent. upon salaries exceeding £100, and £2 10*s.* per cent on salaries below that amount. Now, supposing some portions of the public service were at present underpaid, an increase of 2½ or 5 per cent. upon the existing salaries might be quite insufficient to raise those salaries to a proper amount; and would it be any satisfaction to persons in such a position to receive this increase when the same increase was given to a large body of public servants who could not complain of being underpaid? Some years ago, a proposal was made to reduce the salaries in all public departments by a uniform rate of 10 per cent., and that proposal was opposed on the ground that if any portion of the public servants were overpaid it would be proper to reduce their salaries, but that the indiscriminate reduction proposed was neither just nor reasonable. The noble Lord had complained that a great number of those public servants whose salaries were subjected to abatements never derived any advantage from the fund, but payments of this kind must be regarded in the aggregate, and not as affecting individual cases. They were in the nature of an insurance, which must be judged of by the charge upon the whole, and not upon the individual. It had been argued, and no doubt justly, that great hardship arose when a public servant died before he was superannuated, because his family lost the benefit of the abatements from his salary. The Treasury had proposed that in such cases widows should be entitled to certain gratuities, and he believed such an arrangement would be attended with great advantages, and would afford considerable relief to the officers in the various public departments, who were now called upon for private contributions to relieve cases of this nature. It had been complained that the abatements from salaries had not been constituted into a fund. He did not know what difference that could have made to public officers, because by the Act of Parliament no individual officer could receive more than he now received. The Act prescribed both the rate of deduction from salaries and the rate of the superannuation allowances, and he could not understand how these officers could have been in a better position if their abatements had constituted a separate fund than they now occupied with the security of the Government for the payment of their allowances. It was said that if the abatements had constituted a fund which had borne compound interest, the fund would now have been much larger than was necessary for the purposes for which it was formed, and that the civil servants would have possessed a claim to some division or appropriation of that amount in their favour. If it could be proved that the public servants did not enjoy the full proceeds of their contributions such a measure might be justifiable, but there were few things more deceptive than funds of this kind, which from present payments had to meet future contingent charges. As an instance, he might mention the case of the London Police Fund, which was commenced in 1839, under the authority of an Act of Parliament, by contributions from the police to provide superannuation allowances for members of that force. In 1841 the fund had risen to £50,000, while the charges upon it were only £600 a year. In 1852 the fund had risen to £104,000, and a reduction of the contributions made by the men was strongly urged, but upon investigation such a course was not deemed advisable. What had been the result? The fund which in 1852 amounted to £104,000 was at this moment reduced to £4,000, and was so far from being sufficient to meet the demands upon it that aid had been solicited from the Government, in addition to the assistance which was obtained from the metropolitan rates. He thought this case would satisfy the House that very mistaken ideas might exist with regard to the accumulation of abatements under circumstances of this description. He held in his hand a return, showing the amount charged from year to year on the public funds for compensations and superannuation allowances. It appeared that in 1834 when the Act was passed, the whole amount of pensions payable in respect of the public service was £358,000 and the whole amount of allowances, including compensations for abolished offices, was £693,000. Year by year, since that time, the amount under the head of compensations had rapidly diminished, until in 1856 it was reduced to £210,000; but year by year the amount of superannuation allowances had increased more rapidly. The sum chargeable in 1834 for pensions alone was £358,000, but it had now increased to £606,000. The total of compensations and allowances, taken together, had increased from £693,000 in 1834 to £830,000 in the present year. Moreover, this was an annually increasing sum, for last year the whole charge was £799,000, while the sum required for the present year was £830,000. And there was this remarkable fact—that whereas the whole amount of abatements taken at present from the whole public service was £74,000, the increase within the last four years in pensions alone was equal to the whole of that amount. In 1851 the amount of pensions payable to the civil servants, as distinguished from compensations, was £509,000, while last year it had increased to £589,000, being an increase of £80,000. It had been stated as a grievance that those public servants who entered the service before 1829 did not contribute to this fund, although they received pensions to a larger amount than those who did. Let the House see how the case would stand between the civil servants and the Crown on the showing of the civil servants themselves. The amount of pensions and compensations voted for the present year was £827,000, and the civil servants themselves, on their own showing, said that when the whole public service should consist of officers who had entered the service since 1829, the amount of abatements would be £94,000 a year, and that, taking the principle of the fund, and charging compound interest upon the abatements from year to year, they would have an accumulated fund in 1891 of £5,000,000. They reckoned, therefore, that the amount of abatements at that time would be £94,000 a year, and adding to that sum £150,000 as interest at 3 per cent., on the accumulated fund of £5.000,000, they would have a fund of £244,000 a year. That was taking what he did not admit to be a fair calculation, but he took it on the showing of the civil servants themselves. Now, what would be the charge on that fund at that time? The charge voted for the present year was £827,000, and if they took the present charge as being the then probable charge, and deducted £94,000 as the *maximum* payment in respect of abatements, and £152,000 as interest on the fund from £827,000, there would be a deficiency of £581,000 to be made good by the public. But it was said that the charge of £827,000 would be greatly reduced in consequence of the diminished amount of pensions that would have to be paid. His right hon. Friend the Member for Portsmouth (Sir F. Baring) gave it as his opinion before the Committee last year, that when the amount of charge should be reduced to the lowest rate it would be one-third lower than the sum charged at the highest rate. Admitting the calculation of his right hon. Friend to be true, they would have the £827,000 reduced by £275,000—a third of it—which would leave £552,000 as the probable amount of charge; but from that they would have still to deduct £246,000 a year—namely, £94,000 the *maximum* payment in respect of abatements, and £152,000 as the interest on the fund, so that there would be still a deficiency of £306,000 to be made good by the public. The civil service officers themselves said that it was impossible to arrive at an accurate calculation, but that it was probable the future charge would be half the amount of the present charge, that was to say, about £413,000, against the contributions from interest and abatements of £244,000. Thus it appeared from the showing of the civil servants themselves, that the deficiency which would have to be made up by the votes of the House of Commons would amount to £169,000. It might be said, however, that it was not fair to include the compensations. Well, he had not omitted that fact. It was not his object—far from it—to make out a case against the civil servants; but he wished to state the facts precisely as they appeared to him to stand. Now, although it might not be fair to include the compensations in every view of this case, he must observe that if the amounts given did not appear in the form of compensation, they would appear in the form of pension. But how stood the case in regard to pensions alone? The pensions in the present year, independent of compensations, amounted to £606,000, which, on the calculation of one-third, as assumed by the right hon. Gentleman the Member for Portsmouth, would still leave a deficiency of £158,000 to be met. Or, taking it as the civil servants themselves took it, at one-half or £303,000, and deducting £246,000 from that amount, there would be a deficiency of £57,000 a year, to be made good by the House. He was of opinion that if the whole of the contributions of the civil servants were made into a fund, compound interest added, deductions only made of payments for pensions to those who had retired since 1829, and 50 per cent given by Government, it would be no more than sufficient to defray future charges. He hoped he had satisfied the House that whatever course the Government had taken it was, in their opinion, not attended with any degree of injustice to the civil servants. One very important consideration seemed to have been altogether lost sight of in this discussion, although it would affect the calculations very much. Hon. Members must bear in mind that the deductions were made from the salaries actually received by the servants. A man entered the service at 19 years of age, at a salary of £100 a year, and the deduction was 5 per cent. He went on until he had been 40 or 45 years in the public service, and by gradual increase his salary was £1,000, £1,200 or £1,5000. ["Oh! oh!"] He could quote a great number of such cases. ["Oh!"] He did not mean a great number in proportion to the whole 16,000 civil servants, but there were many such cases. During the whole period of service the deduction was the same per cent, although the salary was increasing, and upon retirement the pension was calculated upon the full amount of salary. There was one point to which he begged to call the serious attention of the House. Until the noble Lord introduced this Bill no proposition had ever been made to give up the abatement unaccompanied by a revision of salary. In the Committee of the House of Commons last year the hon. Bart. the Member for Evesham (Sir H. Willoughby) proposed a series of Resolutions, one of which was:—

> "That, adopting the principle of remuneration stated in the second Resolution, the salary of all appointments hereafter to be made in the Civil Service shall be revised according as the amount of such salary shall be judged to be too high or too low, duly considering the service to be performed and the amount of deductions (if any) which have been paid."

Sir Stafford Northcote produced a set of Resolutions, and one of his Resolutions was as follows:—

> "That, in accordance with these principles, the system of making deductions from salaries for superannuation should be abandoned; the salaries of civil servants should, where necessary, be revised so as to make them justly equivalent to the work demanded, and the new Act should distinctly recognize the right of the Government to call upon those who have attained a certain age, or whose state of health prevents their regular attendance to their duties, to retire from the service with or without a retired allowance, as the circumstances of the case may require."

There was a distinct connection kept between the superannuation allowance and the salary to be paid. The hon. Member for Horsham (Mr. S. FitzGerald) proposed:—

> "That in carrying out these Resolutions, the Committee contemplate the propriety of re-considering the scales both of pensions and salaries, as at present arranged."

He was sorry to say that the noble Lord's Bill did neither the one nor the other. When the Committee came to consider their Report the following Resolution was proposed by the noble Lord the Member for Lynn (Lord Stanley):—

> "That, in the event of such deductions being done away, the rates of payment in the various branches of the Civil Service should be revised, there being no ground for an indiscriminate augmentation of salaries, which would otherwise result from the change proposed."

The Resolution was not thought sufficiently distinct as to the object intended—that the reduction of the salaries should be governed by the reduction of abatements—and an Amendment was proposed to insert the words "with a due regard to the amount of reductions remitted." The noble Lord the Member for Cockermouth (Lord Naas) professed to have founded his Bill upon the recommendations of the Commissioners appointed last year, and simply proposed to give up the abatement. No doubt the Commissioners reported that the abatement should be given up, and that there should be no reduction in the salaries of the present public servants; but they obviously felt there were very great objections to the proposal to make a present of £100,000 a year as a future charge to the public servants indiscriminately, without any special reason whatever. The Commissioners said:—

> "We have spoken of the supposed loss of revenue as temporary. It must be evident, in the case of any civil servant now liable to deductions, that under any circumstances this loss could not continue for a longer period than the remaining time during which he continues in the service.

On his retirement an opportunity will at all events occur of revising the salary. But it is probable that in the majority of cases an opportunity of revising the salary will occur at a much earlier period. It appears that in each public department the clerks are divided into classes with reference to the importance of the duties which they have to perform. In the same class each clerk proceeds from the *minimum* to the *maximum* salary by length of service; but in all promotions from an inferior to a higher class it is required that the selection shall be made 'only from superior fitness for such higher class.' The principle of promoting from class to class in consequence of merit alone, without regard to seniority, has been enforced on the Heads of Departments by the highest authorities, and may be considered the established rule of the Civil Service. The practice has been to revise from time to time the salaries in each class, such revision to take effect only with regard to such persons as might thereafter be introduced into the class, and not to affect the salaries of those who were already within it."

What would be the effect of that proposition? The public servants now complained of the injustice of having two classes—those who paid, and those who did not pay abatement; but if the recommendations of the Commissioners were adopted there would be two or three servants in one class receiving a higher, and two or three in the same class performing the same duties and receiving a lower rate of salary, so that in attempting to cure a present inequality they would be creating a new inequality of a far more grievous nature. Let it be remembered that for some years after the passing of the Act of 1834 and so long as but a few civil servants had been appointed under it they heard nothing of these complaints, but as soon as they were sufficiently numerous to produce an effect, this agitation—he hardly liked to make use of such a word, but it was the one which would best express his meaning—was set on foot. It would be the same a few years hence with regard to this Bill. As soon as ever the number of civil servants, appointed after the Bill passed, was sufficiently large to make an impression upon Parliament, they would seek to get rid of the clear understanding upon which they were engaged, because of the inequality which would certainly be introduced. He would now proceed to consider the Bill itself. The Commissioners pointed out not only the inequality, but the anomalies of the existing system, which required to be remedied. For what did the Commissioners say? They showed that this was only one and almost an inferior cause of complaint on the part of the public servants. They pointed out existing anomalies without end, with not one of which did the noble Lord propose to deal. The Bill of the noble Lord, indeed, would create an anomaly greater than any which now existed. It proposed to repeal a single clause in the Act of 1834—the clause, namely, which imposed abatements. The noble Lord left the Act in every other respect as it was. Now, the effect of that Act was that certain persons only were entitled to pensions. The Bill of the noble Lord sought to relieve these persons from the payment of abatements, but it did not propose to give pensions to any other class of public servants. The officers of the Poor-Law Board were not entitled to pensions, and they felt that they had no reason to complain, because they were not required to pay abatements. The officers of the Treasury, on the other hand, were entitled to pensions, and therefore they had no right to consider themselves aggrieved in being called upon to pay abatements. Under the Bill of the noble Lord the officers of the Treasury would continue to be entitled to pensions, although relieved from the payment of abatements; while the officers of the Poor-Law Board would not be more entitled to pensions than they were at the present moment. Nothing could be more unjust than such a distinction. If all public servants were to be put upon the same footing with regard to abatements, so ought they also with respect to pensions; and if the Bill of the noble Lord passed, it would be impossible to resist their demand. None of the officers of the Post Office, with the exception of those in London, Edinburgh, and Dublin, were entitled to pensions; and, in order to show how much the advantages of the Act of 1834 were appreciated, he might state that only last year the postmasters throughout the country requested to be permitted to purchase pensions by paying abatements; and they had only ceased to urge that demand since the present efforts had commenced to obtain pensions for the civil servants without the payment of any abatement. How were they to be dealt with after the extinction of abatements? The Bill of the noble Lord would not entitle them to pensions. Again, the supplemental clerks, who now formed a large body of public servants, paid no abatements, and had hitherto been superannuated on a different scale from those who did. The Bill of the noble Lord, by abolishing abatements, would do away with the distinction which now existed between the supplemental clerks and the permanent members of the public service. The Education Board, the Poor-Law Board, and a great number of other public offices not included in the Act of 1834, presented anomalies which must be redressed, but which the Bill of the noble Lord left wholly untouched. That Bill, if passed, would destroy the line of demarcation between those who were and those who were not entitled to pensions. It was proposed that they should then give up a sum of £100,000, without any discrimination, to public servants; but he would answer for it that if that proposal were adopted they would have to add another sum of at least £250,000 for pensions to persons who were not at present entitled to receive them. He would go farther, and express his belief that, under that proposed arrangement they should look forward to an addition to the public expenditure of not less than from £300,000 to £400,000 in the course of the next eight or nine years. Again, had they considered what the effect of the Bill would be with respect to the army? The payments now made to the public service in the shape of superannuation allowances of every kind amounted to the sum of £606,000 a year, whereas the pensions and half-pay for the whole of the officers and privates of the army did not exceed £568,000; so that 16,000 civil servants received a larger amount in pensions than the whole army. At present the difference in the payments to the two services could be defended, because the Civil Service contributed to a superannuation fund, which the army did not; but the moment the abatements were abolished no such defence could be made; and it would then be very difficult to show that those gentlemen whose duties were of a comparatively light character ought to receive a larger amount than the whole of our soldiers. Some hon. Gentlemen were disposed to think that the abatements were no security to the public servants for their pensions. Those who took that view were not acquainted with the fluctuating temper of the House of Commons. Not long ago a proposal was made to the House by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), and supported by a large minority, to reduce the salaries of the whole public servants by 10 per cent. The Government of the day had great difficulty in resisting that proposition. What, however, was the answer which had enabled them to do so? It was that the Government had made a contract with the civil servants, and that it would be a breach of faith to reduce their salaries. Supposing that the same cold fit were to come over the House with respect to the pension fund, would it not be an advantage to the public servants if they could say that Parliament had entered into a contract with them, that in consequence of that contract they had paid abatements, and that they therefore claimed their pensions as a right, and not as a favour? Under any circumstances, indeed, he did not think the House ought to separate the pensions from the salaries, or to abandon the system of granting superannuation allowances. He believed not only that the existence of such a system created a bond between the Crown and its servants, but that the discontinuance of it would be highly injurious to the public service. It was all very well to talk of discharging public servants when they were unfit for duty, but the thing was simply impossible. In this country, where the Heads of Departments were continually changing, no chief of a department would ever expose himself to the odium of discharging a public servant without some provision. Moreover, a superannuation viewed as a means of promoting the efficiency of the service was, upon the whole, an economical and beneficial arrangement. He could not help thinking, indeed, that the demand for a reduction or a cessation of the abatements would never have been made had it not been for the pressure of the income-tax upon the public servants, to whom that tax assumed a character very different from that which it presented to the rest of the community. Other people paid the income-tax to the collector in the way they paid any other tax; but the public servants paid it in the shape of, and looked upon it as a deduction from their salaries. The pressure was felt by them in an aggravated form. But a great relief had been recently afforded in that respect, and the tax had been reduced by more than one-half in the present year. Another great point should not be overlooked by the House, when they were invited to compare the position of civil servants with that of persons employed in mercantile and banking houses. The rate of salary might be higher in the latter instances, but the civil servant had the great advantage of certainty in his employment, and if he should be discharged from it when unable longer to perform the duties, or if his office should be abolished, he would be entitled to a retiring allowance or to compensation. He would also remind the House of the large amount that would become chargeable on the House, and which they must make up their minds to pay, if the Bill of the noble Lord were to be passed. The taxpayers were beginning already to complain that they were called upon to pay large sums for which no corresponding benefit was received. The House must also bear in mind that in deciding upon this question they were not deciding between the civil servants and the Government, for as far as the Government were concerned nothing would be more agreeable to them than to yield to the request of the civil servants. There had been a very large increase in the expenditure lately, and during the last four years the three great revenue departments had imposed an increased expenditure of £260,000 per annum. In fact, he believed that no departments of the public service could complain that their claims had not been fully and generously considered, and that in performing the disagreeable duty of resisting this Bill it was only as a matter of imperative duty towards the public. He had, during many years of his life, been in constant and immediate connection with the civil servants of the Crown, and he was bound to say he did not believe there was a more respectable body of men, or any who performed their duties in a more satisfactory manner. At the same time, he repeated the question was not between them and the Government, but between them and the taxpayers of Great Britain; and it was the duty of the Government to watch the finances of the country and to see that no charge was placed upon the public revenue which was not in their opinion justified by circumstances. He therefore hoped if the House of Commons, judging between their constituents, the taxpayers, and the civil servants, should decide that the latter were inadequately paid, and that therefore they were justified in throwing away £100,000 a year directly, besides some £300,000 or £400,000 a year indirectly, they would be equally willing, when they had forced the Government into a corner, and it became necessary to propose new taxes for meeting that increased expenditure, to support the Government, in adding to the income-tax, or imposing any new tax that might be required to equalise the expenditure and the means of the country. He trusted he had relieved himself from all suspicion of personal feeling in the matter, but he must say that if the Bill were passed the responsibility must rest upon the House of Commons. For himself, he did not believe that any ground of justice, or reason, or public policy, had been shown for the adoption of the Bill of the noble Lord. He believed that Bill would leave untouched the greatest anomalies of the present system, and would introduce fresh anomalies as great as any which it professed to remove. Although, therefore, he felt that the question could not be allowed to remain in its present position, he would ask the House of Commons whether it was—he might almost say—decent that pending an inquiry which bore considerably on that subject they should force upon the Government a large expenditure of public money, without at the same time seeing that they secured the removal of all those evils incident to that question, and settled all the anomalies which the Commissioners had pointed out in their Report. The House was then asked to adopt one single recommendation made by the Commissioners, but they were not asked to make any of the adjustments consequent and contingent on the adoption of that recommendation. He could only repeat, that if the House in its wisdom should think fit to adopt that measure they would carry it, not against the Government, but against those who contributed to the taxation of the country. The Government were bound to defend the rights and interests of the public; but at the same time they admitted that that question could not rest where it was; and upon their part he promised that every attention in their power would be paid by them to the Report of the Commissioners, with a view to a satisfactory settlement on that subject. Under these circumstances, and without any feeling of unfriendliness to the parties whose interests were immediately interested in the matter, he begged leave to move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. G. CLIVE said, he was ready to give the hon. Gentleman the Secretary for the Treasury full credit for goodwill towards the civil servants, and at the same time must compliment him upon the ingenuity he had displayed in combating this measure, for while listening to him he had almost forgotten there was any other side to the case, except that which the hon. Gentleman was advocating. There was, however, only one point involved in the discussion, and that was a point of plain justice, for he should leave out of consideration all that the hon. Gentleman had said about the understanding between hon. Members and their constituents, and also the reference he had made to the army, which was entirely unconnected with this subject. The main point was this,—the hon. Gentleman said the revenue would suffer because £306,000 would have to be paid for pensions some years hence; and that even according to the civil servants' own statement, the amount would be only £240,000. There was a fallacy in that statement. The civil servants complained of the injustice that a certain number only of their body, appointed since 1834, paid the deduction, and that they did not receive a *quid pro quo* for those payments. The hon. Gentleman had stated that all those deductions were swallowed up in the payment of pensions and superannuation allowances, but on one side of the estimate were included the whole of the pensions and superannuation allowances, while on the other side was taken only the amount paid by a portion of the civil servants. If the whole of that body paid alike, the calculation would be correct, but at present the deductions were paid by a small class, while the pensions were open to all.

Mr. WILSON explained that in his statement he had altogether thrown out of consideration all civil servants appointed prior to 1829, and, according to the civil servants' own statement, the charge only referred to those appointed since 1834.

Mr. G. CLIVE said, he would also ask whether the hon. Gentleman meant to say that in the year 1890, which had been referred to, the payments for pensions would amount to a balance of £306,000 against the country?

Mr. WILSON said, according to the statement made by the right hon. Baronet the Member for Portsmouth (Sir F. Baring), the charge for pensions would be reduced, when all deductions came into operation, by one-third, or, according to the statement of the civil servants themselves, by one-half. In the former case there would be still a charge of £306,000 against the public, and even upon the other statement there would remain a great excess to be paid by the country.

Mr. G. CLIVE said, according to the calculation of Dr. Farre that estimate was unfounded. At present the civil servants appointed since 1829 were paying £70,000 a-year, while they were receiving only £12,000 a year in pensions. They also complained that a large class of public servants escaped entirely and paid nothing in the shape of deductions, but were still entitled to pensions. A man appointed to an office before 1829 might have had his salary going on increasing till it reached £1,500 per annum, and yet receive the full amount of superannuation, though exempted from the payments. The hon. Gentleman said that no other persons were entitled to pensions, but he would ask whether it was not practically true that all persons appointed to permanent offices did receive pensions? And if that was the case, how was it possible to make a distinction between those who paid the deductions and those who did not? The whole question before the House was, as it seemed to him, whether the arrangement originally made with the civil servants was to be considered in the nature of an assurance, or as a matter of salary. If there ever had been a contract in the case, it was such a contract as a superior had no right to make with a servant; and it certainly was pregnant with ambiguity, which ambiguity had never yet been explained. The civil servants had a good right to suppose that if they paid £5 towards an allowance they were entitled to full value for that amount, but it was proved that this they did not receive. He thought the supporters of the Government had a right to complain of the obstructive course taken by Her Majesty's Ministers on this question. The hon. Gentleman the Secretary to the Treasury told them the question could not rest where it was, and on a former occasion the right hon. Gentleman the Chancellor of the Exchequer spoke of the matter as one requiring remedy, and yet no prospect was held out that either in this Session or the next an attempt would be made to introduce a measure on the part of the Government. The right hon. Gentleman the Member for Carlisle (Sir J. Graham) at the time the present system was introduced, said expressly that the civil servants were to contribute to insurances, and would receive the whole benefit. He could not say whether he used the word "fund," but he admitted having used the expression as to insurance. Now, if the arrangement was in the nature of an insurance, surely the civil servants had a right to the whole benefit, and the question was whether they had the whole benefit or not. He wished now to ascertain whether the Government would undertake to give them the full benefit, for if so he, for one, would be satisfied. The hon. Gentleman need not trouble himself about the state of public feeling on this question. He believed that the public feeling in this country was in favour of honour and justice, and that it leant very much towards generosity. He did not think they were amenable to the charge of inconsiderate extravagance brought against them by the hon. Gentleman, or to the charge of indecency either. [Mr. WILSON: "not decent."] Well, not decent meant indecency. The Government took credit for its guardianship of the public purse, but it might safely enough leave the House to settle the matter with their constituents. They were inclined to honour and justice and even to generosity in dealing with their servants, but they were not at all inclined to sharp practice.

MR. WEGUELIN said, that as he had been one of the Commissioners who had inquired into this subject, he hoped the House would allow him to state his views upon some of the points which had been raised in the course of that discussion. Reference had been made by the right hon. Gentleman the Chancellor of the Exchequer on a preceding occasion, and by the hon. Gentleman the Secretary of the Treasury that day, to the recommendations of the Commissioners. The House had been told there were so many special recommendations in the Report of the Commissioners that it was desirable to delay till all those recommendations could be included in any measure that was passed. The first of those special recommendations was a new scale of pensions. Now, this new scale of pensions was recommended by the Committee of last year, and the Government were prepared to include it in a Bill of their own. The next special recommendation was an alteration with regard to the age of retirement, and a provision for compulsory retirement. This measure also was in the Bill No. 2 brought forward by the Government last year. The third special recommendation of the Commissioners regarded gratuities to be allowed to public servants. This provision was also

in the Bills Nos. 1 and 2 of last year, as was likewise the next, having reference to compensations, which had the recommendation of the Committee. The recommendation of a superior and special scale of pensions for professional and legal officers was also in the Bills Nos. 1 and 2 of last year, as recorded by the Committee. So far, therefore, as the Committee's recommendations were concerned there was no cause for delay, for the Government had already shown that they were prepared to adopt them. The points in the Report of the Commissioners that the Government had not yet agreed to were:—First, that the ordinary scale of pensions should be extended to dockyard officers instead of the scale of fortieths they now enjoyed, and he contended that, notwithstanding what had fallen from the Secretary of the Treasury, the amount affected by this recommendation would be exceedingly trifling. Then there were recommendations respecting the Post Office, and these were of a very modest character indeed. The servants of the Post Office in London, Edinburgh, and Dublin, were placed on a footing different from others, and the recommendation of the Commissioners was, that the system of pensions should be revised with the view of placing it on a more uniform principle—the remuneration for services, to consist partly of salaries and partly of superannuation allowances. The hon. Gentleman the Secretary to the Treasury had endeavoured to alarm the House by stating, that if the present Bill were passed a large demand for pensions would be made by the country postmasters. But the fact was, that the practice at present was to give pensions to the greater portion of those persons. The case of the postmasters was one in which a special arrangement should be come to by the Treasury, and which should not be included in any general measure. Then there was the case of the extra clerks, the salaries of whom it was proposed to increase by one-tenth, and consider them fixed clerks in the service. On the whole, he would appeal to the House whether the special recommendations afforded a sufficient cause for deferring an act of justice on this most important subject. With regard to the next point which was made both by the right hon. Gentleman the Chancellor of the Exchequer and by the Secretary of the Treasury—namely, the magnitude of the sum wanted—no doubt the House would require very clear explanations upon that.

The total sum of the pensions now payable had been stated as amounting to £1,208,264; but on referring to a Return presented to the House of Commons on the 11th of May last, he found that the pensions of the Civil Service amounted to £589,139, and the deductions to £74,212. Now, if that scale of pensions, which included the great majority of pensions in the scale of 1829—which was a very superior scale to that passed by the Act of 1834—if the latter scale had uniformly existed, the amount, instead of being £589,000, would have been £450,000 only. The compensations were not included in that, as they stood on a very different footing. There would be no compensation unless they abolished the salary, and therefore what was lost on one hand was gained on the other by reduction of salary. The hon. Gentleman the Secretary of the Treasury stated the salaries of the civil servants to be £2,426,699, subject to the deductions under the Act of 1834, and those not subject to deduction, £4,910,612; and it was stated that the officers of the latter class were not entitled to superannuation. But what was the case? In the Report to which he referred there was an appendix, and page after page was filled by Acts of Parliament giving a title to superannuation pensions to persons who had not paid any deduction. In the first place there were the legal pensions, amounting to £250,000 a year, upon salaries of £914,052; there were no less than forty-two Acts of Parliament to make provision for the declining years of gentlemen in that branch of the Civil Service. In the next place, that £4,910,612 included the wages of all the artificers who received pensions; and since 1834, nearly 4000 such pensions, amounting to £74,000 per annum, had been granted to persons who did not pay deductions. Then there was the case of the police, which the right hon. Gentleman made a very strong point of, and with respect to which, he said the deductions were sufficient to cover the pensions. The fact was, they paid a very small deduction—about 2¼ per cent.—and had very high pensions secured them by Act of Parliament, and therefore they must also be excluded from the category. The diplomatic pensions, again, were large as compared with the salary, their pensions being £25,718 and their salaries £144,360, and with respect to the convict service pensions, notwithstanding the hon. Member for Richmond, when Secretary of the Treasury, had abolished the deductions, there had been no revision of salary. In short, it might be confidently stated that by law and usage there was not a single civil servant who was not entitled to superannuation at present. Where, then, was the ground for saying that only those who paid deduction were entitled to pensions, and that if they broke through the line of demarcation between those who paid deductions and those who did not, they would introduce a vast number of new pensioners in the form of an annual charge upon the country? It was said that the increase of charge would be £250,000 a year; but for his part, he could not conceive that there would be any material increase in the charge. The only officers who did not pay deductions, and who might be said not to be entitled to superannuation, but who, in fact, did receive it, were those appointed to the temporary offices created since 1834, and which were charged with no deduction. But the Treasury, when the Commission was sitting, on the 13th of January last, by a Treasury Minute had given those very officers a title to superannuation—it was true superannuation on a reduced scale—but still a title to superannuation. The hon. Gentleman stated that there was a corresponding deduction, but he had, in fact, by calculating upon a system of life annuities, given them the deduction as well; and they were now laying by whatever deduction they might choose, and yet at the same time became entitled to superannuation, although on a reduced scale. The Commissioners recommended that the superannuation on a scale proportionate to the salary should be paid to the civil servant, and that the salary should not be reduced in proportion to the superannuation. The great difficulty by which this question was surrounded was caused by the inequalities of the Civil Service itself. If they were to reduce the salaries in proportion to the superannuation, the effect of that would be to give a different scale of pensions. They would have one scale for those reduced, and another for those not reduced; and, in short, it would have no other result than to perpetuate and stereotype the anomalies and inequalities which at present existed. The Commissioners also recommended that there should be a revision of the salaries. That of course was an inherent power possessed by the Treasury, who were no doubt always engaged to some extent in the revision of salaries, and that was a power which he apprehended neither the Commissioners nor the House of Commons were desirous to deprive them of. The hon. Gentleman said they would introduce inequalities; not necessarily so, because in some cases they might find the salary too low. It must be always understood that the reduction only took place on a rise of salary, and the recipient of an additional salary could not fairly object to that reduction. As to the sum of money involved, it was stated that the present sum was £75,000 a year, and that there was no doubt that the deductions would amount to £100,000. But in that there was a fallacy, because if they continued to increase the pensions with a reduction of salary, what they would lose on the one hand they would gain on the other. The abolition of abatements simplified the matter, for how was it possible that those engaged in revising the salaries could accurately compare the value of the labour with the salary, unless the conditions on which the salary was fixed were of the simplest form? But if they were on different scales of pension he defied any one to place the fixed salary in a fair proportion. Then he came to the question of contract. He admitted fully that there was a contract existing between the civil servants and the Government. No doubt it was not the intention of the Act of 1834 to create a fund, for he thought it must be admitted that if there was any such intention it would have been specially mentioned in the Act itself. Therefore there was no injustice to the civil servants in insisting on the fulfilment of the contract into which they entered when they came into the service. It might not, indeed, be very generous to do so when they had entered it at a very early period, because the families of those who were anxious to obtain employment for them always assumed that the civil servants of the Crown would be adequately remunerated for their labour. It was true the civil servants had no real cause of complaint as far as strict justice was concerned, but he thought Parliament were bound not only to deal out strict justice but equal justice to all classes of civil servants. As far as the Executive were concerned strict justice had been done, but the civil servants complained, not that injustice had been done under the Act of Parliament, but of the Act of Parliament itself, and wished it altered. He thought that was a fair claim to make, because the Act pressed unfairly on individuals. The noble Lord the Member for the City of London said the other day that he saw no objection in the world, if the civil servants were subjected to a great grievance, why they should not endeavour to get rid of it, nor did he. The right hon. Gentleman stated that it might be viewed as if a tax on the Civil Service was intended to be levied by the Act of 1834. That, however, was worse than a reduction; for taxation should be general, and ought not to be placed upon particular classes, and this was eminently a class taxation. There might, it was true, be certain class taxations, and they were justified in taxing by way of granting licences to particular classes; but that was only in the case of where a person wished to carry on a particular trade under that licence, and the tax in the end fell upon the public. But this was an instance of taxing not a class, but a section of a class; and not only that, but individuals of that particular section. Of 49,000 civil servants only 16,000 were taxed. The gravamen of the complaint was, that by the present system of deductions an enormous inequality was created between one class and the other. Both the highest and the lowest classes were exempt, and the weight of the burden fell upon the middle; the poor clerk subject to the deduction having to bear the weight of the whole of the pensions. Another reason urged for delay was the non-presentation of the Report of the actuaries. He could not understand why that should be urged as a reason. If the abatements had accumulated, and the Government admitted that a fund had been created, the case would be different. But if they said the clerks among themselves had no right to the principle of mutual assurance, he could not tell why they should wait for the Report of the actuaries. The appointment of actuaries necessarily assumed that there was a fund—that the deductions paid by other classes had formed a fund out of which to pay the superannuations. They were then in this dilemma: either there was a fund, which was contrary to the statement of the hon. Gentleman, or if not, then there was no occasion to wait for the Report of the actuaries. He thought the real question for the House of Commons was, as to the policy of continuing these abatements. Everybody, when they came to examine the matter, abandoned them. The Committee appointed to investigate the matter had thrown them over; the Commissioners had given them up; every debate in the

House had been conducted on the principle of the abandonment of the system of abatements, and the real question now before the House appeared to him to be, whether or not there ought to be an increase of salary on account of these deductions. That question of salary he admitted the House were incompetent to enter into; it must be left to a Committee of the Treasury. Judging from what he saw around him, he believed that salaries generally were on the increase. He knew they were in commercial concerns; but with respect to that the right hon. Gentleman made a statement which was not exactly in accordance with the fact. He stated that the average salaries at the Bank of England were lower than the average salaries paid to the civil servants. [Mr. WILSON: Not higher officers.] The general average, however, in the Bank was £195 per annum, whereas in the Civil Service it only amounted to £147 [Lord NAAS: £141.] It was very unfair for the hon. Gentlemen to take the salaries of the higher officers only; he (Mr. Weguelin) had included the average of the whole, which was the simplest plan, and he had taken into his account the salaries of the junior clerks and even the porters at the Bank. He would now take the opportunity to make a remark with reference to the statement of the hon. Gentleman the Member for Richmond (Mr. Rich) who addressed the House upon this subject upon a former occasion, and who put into the mouths of the Commissioners several recommendations which had no sort of existence. The hon. Gentleman stated that they had made substantially four recommendations—first, that abatements should cease; secondly, that the abatements should be returned to those who made them—there was no such recommendation made by the Commissioners at all. Thirdly, that the retiring pension should cease, as far as respected certain classes; and fourthly, that a sort of fund should be created, with a view of paying the pensions. There was not the slightest recommendation of the kind. Other propositions were made, which were contrary to the simplest rules of arithmetic. What was the present position of this question? It had been frequently debated in that House, it had been referred to a Select Committee, the Government had brought in two Bills on the subject, and a Commission had been a appointed to inquire into the case. There had been a remarkable coincidence of opinion, and yet the Government were not prepared to act. He must say he did not think the Government occupied a very worthy position. Their position would not even be worthy of a weak Government, and it was certainly unworthy of the enlightened dictatorship under which they lived. The expectations of the civil servants had been raised by the repeated action of Parliament, but only to be disappointed, and he hoped the House would now be prepared to give effect without loss of time to the recommendations of the Commissioners, the main points of which were embodied in the noble Lord's Bill. It was most desirable that their civil servants should be satisfied and contented, for nothing could be more detrimental to the public service than the existence of general discontent, engendered by hopeless poverty or a sense of injustice. He knew from experience in Russia and in other foreign countries, that no greater curse could exist than an underpaid, corrupt, and discontented body of civil servants who preyed on the very vitals of the country. In this country there was no reason to fear corruption among such a class, but if they were not treated with fairness and justice it would not be surprising if a want of zeal and energy should be apparent in the public service. It was the true economy of this country not to act in a parsimonious spirit towards persons employed in the lower departments of the public service. The question affected the interest of some 16,000 persons, who were waiting with great anxiety for the decision of Parliament, and he appealed to the House, on grounds not only of justice but of policy, to abolish this odious tax, and to settle this question at once and for ever.

SIR FRANCIS BARING said, he could hardly allow the second reading of this Bill to pass without troubling the House with a few observations. He concurred entirely in the concluding opinions of the hon. Gentleman who had just sat down, that it was of the greatest possible importance that this question should be settled, and settled in a fair, candid, and liberal spirit. But, on the other hand, he objected to the Bill of the noble Lord precisely because it was no settlement whatever of the question. It was his decided opinion, after all the discussion he had heard, that in consequence of the noble Lord's adopting but a small part of the recommendation of the Commissioners, if the Bill passed it would, so far as his experience of a large body of the public servants was concerned—and he meant the lower class—it would give the greatest dissatisfaction. He concurred with the hon. Gentleman, that the question of deductions appeared to be settled; the Government had given up that principle, and the very attentive Committee which had been appointed agreed with the Government on that point. They came to the conclusion, also, that there was no reason for a general increase of salaries by paying back the deductions, but they agreed that a system of deductions was an improper mode of raising a fund, and the Commission endorsed that opinion. An hon. Member who addressed the House upon the last occasion when this subject came before it, talked about the decency of the House of Commons. He (Sir F. Baring) knew that, whether decent or indecent, things that were considered wise two years ago were not considered wise now, and that the recommendations of one of the ablest Committees that ever sat—he alluded to the Finance Committee—were held to be utterly valueless by the Commissioners, and they seemed also to be disregarded by the House. Well, then, he was not sure that what would be considered very liberal and generous this year would be considered proper two or three years hence, if right Hon. Gentlemen found themselves unable to take off the income tax; nor was he sure that if the House, now acting upon strong pressure from without, came to the conclusion of increasing the salaries of the civil servants £5 per cent., they might not come to a vote in exactly the opposite direction at that time when they found the public feeling the other way. He had seen so many changes of opinion in that House that he, for one, should scrupulously guard himself from guaranteeing for ever any decision they might now come to. He agreed with respect to deductions with the hon. Member for Hereford (Mr. Clive), that although the public servants would have no right to complain of a contract between themselves and the Government, yet it would have been better in the first instance, as a matter of fairness and policy, to have ascertained whether the deductions were too large in proportion to the retiring allowances, and if that were the case, then those deductions should be diminished. He was a member of the Committee referred to, and was very anxious to ascertain whether, in the change made, the public servants paid too much or not, and he was bound to say that he considered that the Committee were quite justified in coming to the conclusion which they arrived at. Dr. Farre himself was asked whether he could form an opinion on that point, and he replied that he had no evidence upon it which he could rely upon, and although he afterwards found some papers on which he thought reliance could be placed, yet he thought it was not extraordinary, that considering the time he had for the preparation of evidence, the Committee should not place implicit reliance upon that which was afterwards obtained in the course of two or three days. The Committee also took the opinion of the two actuaries, and they stated that, with regard to that subject, they had no sufficient data upon which to form any conclusion whatever. His firm impression was, that the public servants were rather inclined to believe, if they were taken at their word and asked if the deduction should be given them and the money taken from the salary, that on the whole the bargain was not such a very bad one. The public had been so deluded, and there had been so little truth stated upon the subject, that, at the risk of being tiresome, he felt called upon to make some observations upon it. He would state one fact to show what sort of stories had been circulated. It had been put forward as a most cruel case that not one out of seventeen who had subscribed to these deductions had received any benefit from them, and a return had been referred to, which, by the way, afforded a good specimen of how these returns were made up. It was supposed to be a return of the number of persons who had died, or otherwise left the service, without having received a pension. It was made out for five years. He had been much struck with the number of officers represented to have left the Civil Service of the Admiralty without pensions. On making some inquiries on the subject he found that most of them were officers in the navy, who had been appointed to places in the dockyards, and then at the end of five years had been superseded or removed and others appointed in their stead. Those officers never paid any superannuation deductions, but notwithstanding that, they appeared in the Return in question as individuals who had been hardly dealt with. For example—an officer at Portsmouth was promoted to Plymouth, and then again, it might be, to Chatham. At each remove he got promotion; but still he appeared in the Return, at each change, as an officer who had retired from his situation without receiving any retiring allowance. Was that a case of hardship to be complained of? In the Return he found 4,687 officers who, under the letter R, had been set down as having retired from the Post Office without any superannuation. No doubt the public supposed that those officers had paid deductions, but that was not so. They did not pay sixpence, and yet they appeared there as persons who had been most cruelly dealt with because they did not receive a retiring allowance. Everybody knew that there were two classes of retiring pensions—one strictly under the Superannuation Act, and the other a retiring allowance on the discontinuance or remodelling of the office. Now, to show how absurd the Return was, he would instance a case. Supposing an office with ten clerks done away with, each of the clerks would receive as compensation a pension fully as much as the Superannuation Act would allow, but not one of them would come strictly within the Superannuation Act; but they would actually appear upon the Return as officers who had paid deductions, but who had received no benefit whatever from them. Such was the foundation of many of the statements which had been laid before the public—statements founded upon the purest fallacy in the world. But the real question was not about deductions, but the second reading of this Bill, and to that he would state his objections. Not only did he object to it because it would be no settlement of the question, but because it would make a large increase in the salaries of the public servants in a manner not required, and at the same time most injudicious. They were going to increase the higher services by £5 per cent., and to increase the salaries of the lower class of civil servants by only 2½ per cent. That arrangement had been entirely kept in the background, because it did not tally with the declamation we heard about the poor public servant. The Bill, therefore, gave advantages to the highest and best-paid class of public servants, which it withheld from the poorer and hardest-working servants. It might be said that the recommendation of the Commissioners went to the extent of increasing the salaries; but, he asked, was it borne out by any really inadequate payment to the public officers? Was it true that the public servants were ill paid? The hon. Gentleman (Mr. Wilson) had told them that, within the last four years, there had been a great increase in the public service; but was that a reason why they should increase the public salaries? Hon. Gentlemen sometimes said that they should be glad to get rid of the number of letters they received from their constituents daily. But, he asked, did they believe that if the public service was so badly remunerated, they would receive such numerous applications to get people into it? In the Admiralty, of late, there had been occasion to employ many extra clerks. They knew very well what the work was, and what the deductions were, and yet there was not one of them but would gladly accept a permanent appointment, and be grateful for it. Sir Charles Trevelyan's Commission said, if the House would throw open the public service to competition, they would have a much better class of persons in it. But, if they did that, would they have any one competing for employment in a service alleged to be so ill-paid? To be told by the Commissioners that the public servants as a body were underpaid, and had been underpaid for a long time, seemed to him perfectly absurd. He agreed with the Commissioners, that there was one class of public servants who were underpaid, but that was a class whom the Commissioners regarded as well off, because they were not caught in the net—viz., the labourers in the dockyards. It had been said, in the course of the discussion, that the labourers in the dockyards received retiring allowances, but paid no deductions. It was quite true they paid no deductions in that way, but they paid them in the shape of lower wages than other men received in the same trade. When they came to the Admiralty and said, "You don't give us what shipwrights and sawyers get in other yards," the answer was, "You cannot have the same wages and retiring allowances besides." He believed that the dockyard labourers understood the working of the system much better than the Commissioners, and that they would be grateful for the boon of being placed upon the same footing as those parties who complained that they were unjustly treated.

MR. SEYMOUR FITZGERALD said, he should not have attempted to address the House if he had thought there was any probability of their coming to a division, but as that was not likely, he wished, as a member of the Committee which sat upon the question two years ago, to offer a few remarks in reference to it. No one could doubt that it would be most agreeable to the Secretary of the Treasury, who had been so long in the service of the Crown, who knew so well the value of the services of the civil servants, and who must feel how much his own reputation was owing, not only to his own industry, but to the industry of the servants in the department over which he presided, to concede the claim of those with whom he was brought into contact. He willingly accepted the issue which the hon. Gentleman himself had raised—whether that claim was founded in justice and equity, or not? It was not put before the House as a breach of contract on the part of the Government, but the civil servants said, "Granted that there has been a contract between ourselves and the Government, and *pro tanto* that it has been fairly fulfilled; at the same time that contract *ab initio* was so unjust, so unfair, and so inequitable that we have a claim upon the justice of Parliament to relieve us from a contract into which we ought never to have been invited to enter. Assuming that to be so, there was nothing in the objection of the hon. Gentleman on the score of expense, for in considering whether they could justify to their constituents a vote in favour of the Bill, he was perfectly ready to face the extra expense for the sake of the extra advantage from the increased efficiency of the public service. It was fair that the House should know what it was the noble Lord called upon them to do. It was nothing which the noble Lord had himself originated. It was not the mere claim of the civil servants, urged by a large section of the House, which those hon. Members were prepared to support. They were called upon to give effect to the recommendations of a Commission appointed by the Crown, and appointed under particular circumstances, because it was certainly a peculiar circumstance that the Crown should interpose a Commission to attempt to reverse the Resolutions and recommendations of a Committee; and he was bound to say that he did not think it was treating a Committee of the House with that respect, or attributing to their Report that weight which they ought to possess. Having been a member of the Committee, he wished to correct the Secretary of the Treasury's statement of their proceedings. The amendment of the hon. Member for Richmond (Mr. Rich), which was carried by a majority of one, was an Amendment upon his Resolution, and not upon a Resolution of the noble Lord the Member for Lynn (Lord Stanley). The Resolution was, that the salaries of the civil servants should be revised, but having regard to the scale of superannuation pensions which they were likely to receive, because at that time the Committee had four different scales of compensation before them—the scale received by those who had entered the service before 1829; the scale received by those who had entered since; the scale first proposed by the Chancellor of the Exchequer; and the scale which the Chancellor of the Exchequer proposed in his amended Bill. The hon. Member for Richmond (Mr. Rich) succeeded in carrying an Amendment upon that Resolution, and his Amendment was, that due regard should be had to the amount of the deduction remitted. How did the Chancellor of the Exchequer and the right hon. Member for Portsmouth (Sir F. Baring) interpret those words? Why, that there should be an indiscriminate reduction to the full amount of the deduction remitted. Such, however, was not the meaning which the Committee attached to the term "revision," for they were told by Mr. Bromley, Mr. Stevenson, Sir Charles Trevelyan, and others who had been engaged in a revision of salaries in almost every department of the State, that though the salaries were sometimes reduced they were also sometimes increased. The true principle, in fact, was to deal with each particular case upon its own merits, regard being had to the amount and value of the work done. The Secretary of the Treasury had stated that the contributions now made by the public servants, in the shape of deductions from their salaries, were insufficient. That had really nothing to do with the question before the House; but he could not help saying that the hon. Gentleman had represented the matter most unfairly. His first statement was that the superannuations had greatly increased. Of course they had, and it was possible that for some little time they might continue to increase, because the present was just the period when those who entered the service before 1829, who had paid no deductions, but were entitled to the highest rate of salary, were coming upon the pension list. But the hon. Gentleman had committed what seemed to him another act of injustice, because, when he represented what was the amount now paid in the shape of superannuations, he did not state what proportion was paid to those who contributed to the fund. [Mr. WILSON: I included none but those who contributed to it.] The hon. Gentleman stated that, excluding the compensation for abolished offices, £552,000 was paid in superannuations and pensions, but he did not tell the House that only between £11,000 and £12,000 was given to those who were liable to deductions, although the amount contributed by them was between £60,000 and £70,000 per annum. The hon. Gentleman stated on one side the amount paid for deductions, and then on the other side the whole amount paid for superannuations. But he included in the latter the superannuations paid to those who were never liable to deductions. The claim of the civil servants was simple and powerful, and constituted a claim to justice. They based it chiefly on these two grounds—first, they said that a great many of them were called on to contribute to this fund who never by any ordinary chance could have the slightest benefit from it. The hon. Baronet (Sir F. Baring) referred to returns, but did not venture to deny that there were many cases in which those who contributed to the fund could receive no benefit from it. It was only the other day that a member of the Civil Service gave him (Mr. S. FitzGerald) a case which happened in his own family. A civil servant had contributed to the fund for sixteen years, and on his death, which took place last week he left a widow and seven children totally unprovided for, and without the slightest claim either upon the fund or upon the Government. The civil servants felt such a case as that to be very hard. Nothing was more honourable to the middle classes than their desire to assist persons in difficulty, and he was sure that they would condemn a system by which the members of the Civil Service were compelled to contribute to a fund from which, in the long run, nine out of every ten would receive no benefit whatever. The next allegation of the civil servants was, that the deductions made their salaries insufficient. The income-tax, coupled with these deductions, pressed most hardly upon them, and their salaries were regulated without any regard to the question of superannuation. [Mr. GLADSTONE: No, no.] The right hon. Gentleman would find, at page 18 in the evidence of Sir C. Trevelyan, this passage:—

> "I have been engaged in more departments of the Civil Service than almost any other person in it; in some they pay the deductions, in others they do not; in regulating the rates of salary we consider what the rates of salary are out of doors, but never whether the deductions are paid or not."

What was the consequence of that? Why this: that if one man who did not pay deductions, received £100 a year, another who paid the deductions did not receive £100 a year, but £100 a year minus the deductions. The right hon. Gentleman would say, doubtless, that the difference was made up thus, that one received the pension and the other did not. [The CHANCELLOR OF THE EXCHEQUER: Hear, hear!] But that is not so. For, in the first place, nine out of ten of those who pay the deductions do not receive, and have no chance of receiving, the retiring pension; and, in the next place, it is admitted, in the late Minute on the subject, that many of those who do not pay the deductions receive retiring allowances. The Minute of January last showed that the anomaly and injustice increased, for the result was that the pensions of those who did not pay the deductions would be larger than the pensions of those who for a long period of years had paid the deductions. Upon these grounds the civil servants had a distinct claim upon the justice of the House. There had been, he would not say a breach of contract, but a mutual misapprehension, by reason of which an unfair and inequitable contract had been entered into. That being so, they had a right to come to Parliament and demand that their case should be dealt with liberally and generously. It was absurd to attempt to influence the House by telling them, as the hon. Gentleman the Secretary of the Treasury told them, that the concession of their claim would necessitate the continuance of the income-tax. Ridiculous, to suppose that an increase of expenditure to the amount of £100,000 (which was the limit of their claim) could involve any necessity for a tax amounting to millions. Conceiving, then, that the civil servants had a clear claim to the justice of the House, he should not be deterred by that statement from giving his cordial assent to the second reading of this Bill.

MR. W. WILLIAMS said, as no Member of that House had a larger number of constituents engaged in the Civil Service than he had, he felt an interest in this measure. It was admitted that the present system of deductions from the salaries of the civil servants was most unjust. Even the Secretary of the Treasury did not deny it. And if the hon. Gentleman or the Chancellor of the Exchequer had come down with a new scheme upon the subject he might have spared the House this long debate. What he (Mr. Williams) desired was, that justice should be done to the civil servants with reference to the amount taken from their salary; but he was not prepared at once to add 5 per cent. to their salaries. He had not understood that this was their claim; but a just appropriation of the portion of income deducted. That was a claim to which he gave his cordial assent, and he was surprised that the Chancellor of the Exchequer had not assented to it.

Mr. RICH said, he had been represented by the hon. Member for Southampton (Mr. Weguelin) as having stated that the Commissioners recommended that the civil servants should be repaid their deductions. What he stated was, that the recommendation was that they should be remitted. Again, he had put the case thus:—The Secretary of the Treasury received a salary of £2500, from which was taken £125 for this pension-fund; therefore his salary consisted of £2375, plus the amount of his contingent pension; and if the £125 was remitted, then his salary would be equivalent to £2625, being the amount of £2500 plus the £125 as the equivalent for the retiring pension. (Hear!) The House seemed, he said, to fancy that he rose to speak against time, but the more he was interrupted the longer he should be. The hon. Member (Mr. S. FitzGerald), and the noble Lord (Lord Naas) had stated that 11,000 civil servants paid the pensions, and that 30,000 who did not pay them were guaranteed pensions. If that were so there would be certainly a strong ground for the measure; but was it so? Why, of the 30,000 referred to most of them were mere artisans and coast-guard men.

The time being ten minutes to four,

Mr. SPEAKER declared the debate adjourned.

The CHANCELLOR of the EXCHEQUER said, he was desirous that the House should have an opportunity of expressing its deliberate opinion on this measure. On Wednesday next there was one Bill which would not occupy much time, and another, on agricultural statistics, which he understood it was not intended to proceed with this Session. In these circumstances he proposed that the noble Lord (Lord Naas) should fix Wednesday for resuming the debate. If, however, there was any difficulty with regard to Wednesday, he would try to find another morning sitting.

Mr. W. Williams

Lord NAAS said, he had no alternative but to accept this suggestion; he could not, however, help observing that the debate might well have closed that day, if the Government had really desired to come to a decision. The subject had been fully discussed, and the Chancellor of the Exchequer had spoken at length upon it. He trusted that on Wednesday there would be a clear understanding that the decision of the question should be arrived at; but if the course taken that day were repeated it would be impossible.

The Debate was then fixed for *Wednesday* next.

EDINBURGH, CANONGATE, AND MONTROSE ANNUITY TAX ABOLITION BILL.

BILL WITHDRAWN.

Order for Second Reading read.

Mr. E. ELLICE said, he would beg to ask if it was the intention of the Government to proceed any further with this Bill?

The LORD ADVOCATE said, that, looking to the period of the Session and to the difference of opinion which had arisen upon the subject of this measure, he believed that it would be impossible to carry it through in the present Session. He considered, however, that the matter to which the Bill related was of importance, and he should endeavour to deal with it again next Session. In the meantime he begged to move that the order for the second reading be read for the purpose of being discharged.

Order *discharged;* Bill *withdrawn.*

NEW SOUTH WALES.

QUESTION.

Sir JOHN PAKINGTON having presented a petition upon the subject from the Legislative Council of New South Wales, signed by the President, said, he wished to ask the Secretary of State for the Colonies whether any decision has been come to by Her Majesty's Government on the subject of detaching from the colony of New South Wales any portion of the Northern Territories thereof, and forming the same into a separate colony; and if any such decision has been made, where the southern boundary of such new colony is to be drawn; and whether, in respect of any portions of such new colony as are situated between the 26th and 30th degrees of south latitude, Petitions from the Inhabitant Householders of the Territories so situated have been presented to Her Majesty as required by the statute 13 & 14 *Vic.*, c. 59, s. 34, in order to enable Her Majesty to include such Territories in the new colony; whether any conditions have been imposed in order to prevent convicts being sent to such new colony; what provision has been made as to the form of the Government of such new colony; And whether any, and if any, what arrangement has been made as to the proportions of the public debt of the existing colony, to be borne by such new colony and New South Wales respectively after the proposed separation?

Mr. LABOUCHERE said, that the facts of the case were these. In passing the Constitutional Act on which the institutions of New South Wales were now founded the Legislature of that colony had provided for the possible separation of the northern portion of it from the southern, by giving to the Queen in Council the power to separate the district of Moreton Bay from the rest of the colony, and to draw such a boundary line as might be considered most desirable. He (Mr. Labouchere) having received strong and reiterated petitions from the inhabitants of the district of Moreton Bay to the effect that they desired that separation, had advised the Crown to make it. Considerable difficulty, however, arose in determining where the boundary line should be drawn, but his opinion was that that which ought to guide the decision was the desire of the colonists themselves, coupled with considerations of the accessibility to Moreton Bay and to Sydney respectively. He at first thought that it would be right to carry the boundary line very low down, southerly, so as to include the Clarence River district in Moreton Bay; but it appeared to him that the petitions from the inhabitants of the Clarence River district in favour of being regarded as part of the colony of new South Wales, so much outweighed in force and numbers those which were in favour of being annexed to the Moreton Bay district, that he had written to the Governor of New South Wales, informing him that he should advise the Crown to draw the boundary line nearer to Moreton Bay than he had originally intended, so as to be between the 25th and 26th degree of south latitude—within about seventy miles of Moreton Bay—and to give the Clarence River district to New South Wales. With regard to the second question, respecting convicts, he could not state too explicitly that it was the fixed determination of the Government not to send a single convict to Moreton Bay, as they had no reason to suppose that the colonists would desire to receive them. Whatever wish there might have been for convict labour some time ago, it was his belief there was none now; and he should consider it to be a gross breach of faith towards the colonists of Sydney to allow convicts to be introduced into a contiguous colony, from whence they might readily pass to Sydney. In answer to the next question as to what provision had been made with respect to the form of Government of the new colony, he had to state that he found in the Act which the authorities at Sydney had passed, that the Government should, as nearly as might be, resemble the constitution of Sydney, and by the advice of the Crown officers (there being no opposition to the scheme in the colony), it was intended to give to the new colony the ordinary constitution of a British Colony—of Governor, Council, and Assembly. With respect to the third question, relating to the public debt, he had to observe that the Governor of New South Wales had called his attention to that point, and he had requested the Governor to bring the subject before the Legislature of New South Wales, by whom the proper partition of the debt could be made; and the Order in Council separating the two Colonies would not be issued until satisfactory assurances should be received that that question was settled.

NETLEY MILITARY HOSPITAL.

QUESTION.

MR. WILLCOX said, he would beg to ask the First Lord of the Treasury if any circumstances have arisen to induce Her Majesty's Government to suspend their intention to build the new Military Hospital at Netley, and if so, whether he has any objections to state them?

MR. STAFFORD said, that before the question was answered, he wished also to ask whether there was any objection to publish the complete correspondence upon the subject, for some important correspondence, he apprehended, had been withheld.

VISCOUNT PALMERSTON said, in reply to the last question, he did not know what the correspondence, referred to by the hon. Gentleman was, and therefore he was unable to answer it on that occasion. With respect to the spot selected for the hospital the Government were quite satisfied, and he himself was entirely convinced, from local knowledge, that it was very healthy, and totally free from any objection on sanitary grounds. He had also received a letter from a medical gentleman in the neighbourhood, who stated that during twenty years' employment in the locality he had not known any cases of ague or diseases of that kind.

FIRE INSURANCE AND MUTUAL COMPANIES BILLS.

QUESTION.

MR. COWAN said, he wished to ask the Secretary to the Treasury whether it is intended to propose considerable alterations in two Bills recently introduced—namely, the Insurance Companies and Mutual Companies Bills; and if it be also intended to confer limited liability upon such Companies; also if new prints of such Bills, with the alterations proposed, will be delivered to Members, and notice given of the intention of the Government to proceed with these amended measures? He would also take that opportunity of asking another question. His hon. Friend had been Chairman of the Committee on Insurance Companies which sat four years ago, and on which he (Mr. Cowan) had also served. Among other things recommended was one that no Insurance Company should be allowed to be constituted without lodging £10,000 in order to demonstrate the *bonâ fides* of the promoters of such companies. He wished to know whether the Government intended to introduce that provision among the other alterations proposed?

MR. WILSON stated that it was thought very desirable that the Insurance Companies and Mutual Companies Bills should pass in the course of the present year, especially as an Act passed last year had unintentionally repealed the only Act which governed Insurance Offices. No doubt the hon. Gentleman was aware that a question of this kind raised an immense difference of opinion according to the various interests concerned, and he had very great difficulty in meeting the objections raised in reference to the two Bills; but he yesterday received a deputation, representing all the London Offices and most of the Scotch Offices, and he came to an understanding that he would read the two Bills a second time that night, and to-morrow in Committee *pro formâ*, introduce such Amendments as he thought it in the power of the Government to assent to, and so enlarge the Bills as to make them as perfect as possible in themselves, without referring to Acts in existence. He had also undertaken that the Bills should not be committed for the purpose of passing until those out of doors interested in the matter should, at least, have four days to consider them in the amended form.

VENTILATOR FOR SHIPS.—QUESTION.

MR. ADDERLEY said, he wished to ask the First Lord of the Admiralty whether the Admiralty have approved of a fan and ventilating machine for ships, invented by C. H. Bracebridge, Esq., called a "Blower;" whether any ships have been fitted with them; and whether its success has led to any general order for their use?

SIR CHARLES WOOD was understood to say that three or four "Blowers" very much of the description alluded to by the hon. Member, had been bought by the Admiralty to be used, and as far as they had been tried, had proved satisfactory.

THE BENGAL ARMY—QUESTION.

GENERAL WINDHAM said, he wished to inquire whether the Government were in receipt of a Report from General Sir Charles Napier respecting the organization of the Bengal Army, as, if so, it would be desirable that that Report should be laid before the House.

SIR JOHN RAMSDEN replied, that it was true that there was a Report on the subject drawn up by Sir Charles Napier, and sent home privately, he believed, to the late Duke of Wellington. He was informed that it did not enter into details as to the organization of the Bengal Army, but related merely to the military occupation of the country, and embraced details important to the administration of the Military Governments there. It was not, however, a despatch that could be laid on the table of the House.

NEW WRIT FOR GALWAY.—QUESTION.

COLONEL FRENCH said, there was an Order of the day in his name, which proposed the issuing of a new Writ for Galway; but he was told that there was a Resolution of that House requiring two days' notice before moving for any Writ, and that his Motion could not come on until after the other orders of the day had been disposed of. He wished to ask Mr. Speaker if that was so?

MR. SPEAKER stated that the practice of the House on this point had been established of late years by so many precedents, that he had no hesitation in answering the question of the hon. Member. A question had been addressed by the hon. Member for Northamptonshire (Mr. Stafford), to the late Speaker, in reference to the issuing of a new Writ for the borough of Sligo. The question was, whether a Motion for the issuing of a new Writ was a matter of privilege, and so took precedence of all other business? The late Speaker entered into a full explanation, and showed that a Motion for issuing a Writ fell under the same rule as an ordinary notice of Motion. But beyond this, he had referred to the journals, and from them he found no less than eleven precedents existed as to the practice of the House, and he had therefore a very simple duty to perform, which was to state that the hon. Member was not entitled to take precedence of other business.

WASHING AND DRYING FOR SOLDIERS.

CORRESPONDENCE MOVED FOR.

Order for Committee of (Supply) read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COLONEL NORTH said, he rose to move for a Copy of any Correspondence which had taken place between the War Department and Mr. Huthnance, relative to his apparatus for a Drying Room to be attached to a Laundry; and Copies of any Reports which had been made on this subject by any officers to whom the question had been referred. The subject was one which deeply concerned the comfort of our troops; for notwithstanding the enormous sums of money which had been voted of late for the army, that on which the soldier's comfort and even his health so greatly depended, namely, the making proper arrangements for the washing and drying of his linen, had been entirely neglected. In the camp at Aldershot there was but one hut with five or six boilers appropriated to each regiment for the purposes of washing. There was no allowance for fuel to the soldiers' wives, and they were obliged either to collect heather or to buy coals at 16*d.* per cwt., which had to be carried a considerable distance. It should be recollected that a soldier's wife was the wife of a person who received the enormous sum of a shilling a day for his services. As regarded drying there was a portion of the barrack ground set apart for drying out of doors; but he was told that in winter or when there had been four or five wet days consecutively, the linen had to be kept in a wet state during the whole period. Ironing could only be performed on the top of a small stove, with an area of about two feet square. He had for a long time felt anxious to improve these things, and consequently he two or three years since, brought under the attention of Parliament, the invention of Mr. Huthnance, the master of Chipping Norton Union, for washing and drying purposes, one merit of which was, that it could be erected at a small expense, and produced great economy in the use of fuel. In May, 1855, he (Colonel North) went to the War Department, and afterwards the Inspecting Engineer at Birmingham was ordered to go to Chipping Norton to inspect the apparatus at work. That gentleman made a favourable report, and since that period Mr. Huthnance proceeded to Aldershot to enter into an explanation of his invention; but though last winter and the previous one was very severe, nothing had as yet been done, and in reply to a letter which he sent to the War Office last month, he received a letter from Lord Panmure, dated the 6th of July, declining to give the invention a trial. Two years ago it was introduced into the Workhouse of Banbury, where he (Colonel North) was Chairman of the Board of Guardians, where it had worked satisfactorily, and he believed the Poor Law Board had recommended its general adoption in poorhouses. Under these circumstances, he thought Her Majesty's soldiers were entitled to the benefit of a fair trial for the invention, especially as Mr. Huthnance had offered to supply the apparatus for that purpose at his own expense if the Government would simply provide a suitable building. He did not wish to impute the least blame to his hon. Friend (Sir J. Ramsden), who had undertaken his onerous duties at a moment's notice, and had performed them in a manner most satisfactory to all who had had the pleasure of conducting business with him.

Amendment *proposed :*

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'there be laid before this House Copies of any Correspondence which has taken place between the War Department and Mr. Huthnance, relative to his apparatus for a Drying Room to be attached to a Laundry, and of any Reports which have been made on this subject by any officers to whom the question has been referred," instead thereof.

SIR JOHN RAMSDEN said, the apparatus to which his hon. and gallant Friend referred was one of a great number of inventions that had recently been submitted to the War Department, and which had been referred to competent officers to report upon. He would candidly admit that the invention deserved all the praises which his hon. Friend had bestowed upon it, but there were other considerations to be kept in view beyond the mere ingenuity of the apparatus. The gallant Officer had referred especially to what he considered to be the unsatisfactory state of the washing department at the camp of Aldershot, and urged the adaptability of this invention to the requirements of the camp. It was not usual in the army to allow fuel for washing purposes—those who were paid for doing the soldiers' washing were expected to find their own fuel. But the chief reason why it was not desirable to adopt the apparatus at Aldershot was, that the camp there was formed as a camp of instruction, the object being to teach the soldier how to dispense with the ordinary appliances of civilization. He thought, therefore, his hon. and gallant Friend would acknowledge the wisdom of dispensing with an apparatus which, though a great convenience to the soldiers' wives at Aldershot, would, in proportion to its use there, cause the greater inconvenience to the army when in the field from the want of it. He could assure his hon. Friend the subject had been most carefully considered, and though the authorities had eulogised the ingenuity displayed in the invention, they had advised against its adoption upon other grounds.

MR. STAFFORD said, the hon. Baronet would have given a complete answer to his hon. and gallant Friend if he had only been able to go a little further, and could assure the House that the Government had ascertained the means of insuring the soldiers against catching cold in any climate from the use of damp clothes. But, then, why were these machines to be allowed for

the use of the paupers in workhouses, for the use of soldiers in some barracks not far from that House, and to be denied to those living in the camp at Aldershot? If it was to be understood that in this model Aldershot, the bill for which appeared to be interminable, none of the appliances of modern ingenuity were to be adopted, because, when the troops took the field, it would be impossible to continue their use, he must say, much of their money had been spent in vain. Would any one, however, pretend that the six enormous boilers which had been erected for washing purposes at Aldershot could be taken into the field with the troops? This was not the first time he had had to appeal against the "hyper-toryism" of the War Department, which seemed to be proof against all reform, to a higher authority, who had never been found hostile to anything which might promote the soldiers' comfort. At no time was the health of the common soldier more precious to the country than at the present moment; and therefore he might fairly appeal to the noble Lord at the head of the Government, in the midst of his multifarious operations to bestow a few minutes of his time upon the examination of this drying-machine. [*A laugh.*] Yes, they might laugh; let them, however, do so good-humouredly, for it could not be beneath the attention of the Prime Minister of England to consider a matter which affected the health and comfort of thousands of our soldiers. He hoped, at all events, to hear some better reasons alleged for the rejection of the apparatus at Aldershot than had been offered in the miserable explanation to which the House had just listened.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question again *proposed.*

THE ORDER OF THE BATH.

OBSERVATIONS.

LORD HOTHAM said, that the question in reference to which he must trespass upon the indulgence of the House was one which he had intended to raise when the House was in Committee on "Civil Contingencies;" but the hon. Gentleman the Secretary to the Treasury having raised that discussion without the customary notice, he had been deprived of his opportunity for doing so. He desired then to call the attention of the First Lord of the Treasury to the existing practice of exacting from officers appointed to be members of the Military Division of the most honourable Order of the Bath an engagement that the Insignia of the Order, which they have received from the Sovereign in person, or which have been transmitted to them by Her Majesty's commands, shall after their death be returned. Now, if the noble Lord should reply, as he probably would, that the practice here complained of was one which prevailed equally with respect to the other great Orders of the country, he (Lord Hotham) was prepared humbly to submit that inasmuch as officers received military clasps of the Bath for personal services against the enemies of their country, while with respect to the other orders, in nineteen cases out of twenty appointments to them were made merely in favour of adherents of the Government of the day, no fair comparison could be instituted between the two cases. On the other hand, if the noble Lord should say that the present practice in this matter did not differ from what had heretofore been the rule, he must remind the House that since the conclusion of the war with France the Order of the Bath had been completely remodelled. Formerly it consisted only of one class, numbering from twenty-five to thirty-five officers; but at the conclusion of the war it was divided into three classes. The Grand Crosses, who were known also as the Knights of the Bath still numbered from twenty-five to thirty-five, whereas the Commanders and Companions reckoned upwards of six hundred, irrespective of a large number of foreign officers who were admitted as honorary members. Now, considering the extent to which we had adopted the practice of foreign countries with regard to the decorations, and considering that in the case of the Crimean medal the decoration was given, not only to the living, but to the families of those who did not live to receive it, he thought it was but right that such of Her Majesty's officers as were entitled by their conduct to so distinguished a mark of Royal favour as was involved in the reception of the Order of the Bath should be allowed to retain the decoration, and transmit it to their posterity, as a proof of the Sovereign's appreciation of the services they had performed. With respect to the decorations themselves, there was one which was conferred upon the "Grand Crosses" only, and went by the title of "the collar," it being an article of great value, costing between £200 and £300. That was a decoration only worn upon great occasions, and according to the orders of the Sovereign, and perhaps it might appear to a slight degree unreasonable if it were asked to leave such a decoration in the possession of the wearer's family after his death. But inasmuch as other portions of the decoration might be said to constitute a part of the officer's uniform, and might be worn at all times, he was unable to see why his family should not retain them. Investitures of the "Order of the Bath" took place from time to time, and on such occasions the recipients were ordered to the palace, and receive from their Sovereign's own hands the decoration of the class to which they had been nominated. The moment, however, they left Her Majesty's presence, and got into the adjoining room, an official presented them for signature with a printed document in which they engaged to restore the decoration at their death. Such was the manner of procedure on those occasions. But there was another consideration to be noticed, and that was that the materials of which the decoration was composed ought to be such as that an officer might with propriety wear it. The House, however, would be rather astonished when it came to know the actual fact. When an officer received the order of knighthood from Her Majesty, he was presented with two decorations, namely, a "star" and a "jewel." Now, although the "jewel" was of handsome materials, and was much larger and more expensive than necessary, the "star," which was the principal portion of the decoration, was composed of most miserable materials. Pasteboard, tinsel and spangles constituted the "star" which Her Majesty placed in the hands of those whom it was intended to honour; so that the moment the officer left the palace he was obliged to hurry to his private jeweller, and at a cost of some £14 or so, provide himself with a star suitable to him. Now, he would ask the House, was that an arrangement befitting a great nation? Indeed, there had been within the last two years a practical recognition of the impropriety of such an arrangement. On the conclusion of the war with Russia, a large interchange of Orders had taken place between Her Majesty and her Allies, the Emperor of the French having conferred orders upon our officers with great profusion, while Her Majesty distributed them both among the French and Sardinian officers. And in order to give the greater *eclat* to the distribution, an investiture of the Order of the Bath was held in front of Sebastopol, and Lord Gough was sent out to represent the Sovereign. Now, it was reported that when it became known such an investiture was contemplated, a representation was made to Her Majesty's Government that it was impossible, with any degree of propriety, to present to these foreign officers "stars" of the miserable description doled out to our own officers. Well, what he was about to say he mentioned merely as rumour; and as he spoke in the presence of an honourable and gallant Friend of his (General Sir W. Codrington), he was open to contradiction. However, he had been informed that such a representation had been made to the Government, and that in consequence silver "stars" were sent out, to be appropriated to the French and Sardinian officers, whereas the English officers that were invested upon the same occasion had to submit to the humiliation of receiving, in sight of all the French and Sardinian officers, nothing better than the old miserable tinsel "star," which they could only put in their pockets, and defer wearing their decoration until they had been able to communicate with England and purchase suitable "stars." Now there was no one, however desirous of economy, that would not allow it was but right and proper that if English officers were to wear decorations they should be of a decent and comely description; at all events, that they ought not to be placed in a worse position by their own Government than were officers of foreign states. And let him not here awaken the sensibilities of the Chancellor of the Exchequer with fancies of having financial demands upon him, for all that was required to be done might be arranged at a very trifling cost. The decoration at present given, which was known as "the jewel," was unnecessarily heavy, most inconvenient for officers to wear on horseback, and was very costly to supply in the event of its being lost or stolen, which not unfrequently happened. Now, in reducing that decoration within reasonable proportions they would consult the convenience and appearance of the wearers; and in the case of the investiture of a Knight Commander of the Bath it would enable them to give the two full decorations to two individuals at a smaller cost than they could now give the two decorations to one individual. Hon. Gentlemen were aware that the value of a decoration did not depend upon its intrinsic worth; and in proof of that let him refer to the two great military Orders of Europe, "the Order of Maria Theresa," in Austria, and of "St. George," in Russia. As for the Order of "Maria Theresa," whose festival was celebrated upon the 18th of June with such pomp at Vienna—its rules were so rigid that no one could be admitted into the Order who was not, according to the strictest interpretation of its rules, entitled to the rank; while according to "the Order of St. George" of Russia its rules were so precise that no one could receive the decoration of the first class who had not commanded in a general action. Nay, the first class was not otherwise wearable by the Emperor himself. Still, in both those cases the decorations were simple and small, though, at the same time, they were neat and convenient, and such as, if by any chance they were lost, could be replaced at a trifling expense. Now, he was quite aware that the distribution of military honours rested with the Crown, but he hoped the noble Lord at the head of the Government would acknowledge that not a single word had escaped from him that evening which in the smallest degree reflected upon the Royal prerogative, while he trusted that his observations were sufficient to induce him to take this matter into his consideration, and to determine how to render such advice to his Royal Mistress as would tend to bring about an arrangement at once more satisfactory and more just to all parties.

SIR WILLIAM CODRINGTON said, he would willingly acknowledge that the arrangements of the present day, connected with the distribution of military honours, were superior to what they formerly were. In former times, on obtaining the Grand Cross of the Bath the fee was £254; and for the Commandership of the Bath £100. Now, however, those fees were very properly done away with, and he hoped that the noble Lord (Viscount Palmerston) would take into consideration the abolition of the remnant of the spirit of wretched parsimony visible in the supply of this miserable bit of tinsel as a "star," which an officer could not wear, and which it was unworthy of the country to present to him. The decoration which he received was not made of permanent materials, and the consequence was, an officer had to get a silver "star" to represent the honour conferred upon him. The change suggested by the noble Lord (Lord Hotham) would lead to a very trifling expense if the stars were made smaller, so as to cost between £7 and £8—and as not more than ten would be granted in the year it was impossible that the House of Commons could grudge the expense. The noble Lord was also perfectly correct in pointing out the difference which was observable in the treatment of the French and English officers upon the occasion to which he referred. The ceremony, however, was intended solely for the French, as there were no Sardinians present, the Sardinian army having gone away. Well, Marshal Pelissier was there, at the head of a great number of Generals of division and Generals of brigade; in all about twenty French officers were to receive the decoration, and the remains of the army, some 16,000 or 18,000 men, were drawn up to witness the spectacle. Well, Lord Gough handed the silver "stars," which had been very properly sent out from England to the French officers, and they were placed upon their breasts, when they stood by waiting for the presentation to the English officers. Well, there were very few English officers present to receive the decoration of K.C.B., not more than two or three, and they, instead of receiving the silver "star," had the tinsel "star," slipped into their hands in the presence of the French officers, a proceeding which the House would allow was not very dignified. He must own he very much regretted the circumstance at the time, but at the moment it was impossible to avoid such an effect.

Viscount PALMERSTON: I cannot quite agree with the noble Lord who spoke on the other side, that there is anything unseemly or improper in requiring that the badges and orders which are given to an individual who has distinguished himself shall be returned at his death. They stand on a different footing from the Order of Valour, or a medal, or those other things which are given to those who have distinguished themselves. At the same time those portions of the badge, such as the ribbon and the "star," which have been purchased by the individual himself, of course are not returned. However, with regard to the other point, which is more deserving of attention, I must say that there is a great deal in what has been said by the noble Lord and my hon. and gallant Friend behind me. It might perhaps be expedient to reconsider the practice which has hitherto prevailed—namely, that of giving, when the Order is conferred, a mere worsted ornament, which is certainly only a semblance and token of the Order, and which is not a material that could be worn or be expected to be worn. The expense is not very much, and I have no doubt that when the Sovereign is advised to confer upon officers who have distinguished themselves in the public service marks of honour, those marks of honour should not be attended with a forced expense, but be given freely. Upon that principle of late years the fees have been, not abolished, as my hon. and gallant Friend supposes, but repaid by the public in the case of Orders conferred upon a military or naval officer for services performed for the country. I really do not see why the country should not pay for the "star" to be worn by that officer. At all events the subject shall be taken into consideration.

THE RECALL OF OFFICERS TO INDIA.

QUESTION.

Mr. NOEL said, he would beg to ask whether the Government will give to those of Her Majesty's Officers who are ordered to rejoin their Regiments in India before the expiration of their leave, on account of the Mutiny in that Country, a free passage; or whether they will have to return there at their own expense? As was well known to the Government, many of these officers have no private means, and it was, therefore, through the exercise of a rigid economy that they had been enabled to save sufficient money to pay their passage home. Some of them had not been two months at home—others not one—yet they were threatened with having to pay another sum of £150 passage money, without having derived any advantage from all the expense they had undergone. He was well aware that in an emergency like the present officers might expect to have to rejoin their regiments; at the same time, under such peculiar circumstances, he thought the country ought to take upon itself the expense of transporting them to India.

Sir JOHN RAMSDEN said, upon a former occasion, when my hon. and gallant Friend (Mr. Noel) put this question to me, I said the matter was under the consideration of the Government. I now am happy to be able to say that the Court of Directors, as soon as ever the question was brought under their notice, announced their intention of defraying the expense of the passage out to India of officers on leave, in consideration of the emergency of the crisis.

SUPPLY OF REPORTS AND EVIDENCE TO MEMBERS OF THE HOUSE.

QUESTION.

SIR JOHN PAKINGTON said he would beg to repeat his question of the other evening and ask to be informed by the hon. Gentleman the Secretary to the Treasury whether any change had been made in the rule with respect to the supply of Reports and evidence taken before Committees to hon. Members, and which operated as a most inconvenient restriction? The rule was to the following effect, that reports and evidence should only be furnished to such hon. Members as applied for them, and the result very frequently was that many hon. Members, who were not aware of the importance of the contents of these Reports, or of the printed evidence, were not furnished therewith, and were therefore not prepared to discuss questions relating thereto in that House.

MR. WILSON said, that the Printing Committee had not yet considered the subject; but he had communicated with them on the subject, and he had no doubt that at the earliest possible day their decision would be made known.

MR. WALPOLE said, he was Chairman of the Printing Committee in 1855, and the reason why the present rule was framed was that many Reports were laid upon the table of which a great portion was never read, such as appendices to Reports which sometimes consisted of several volumes. The Printing Committee, after considering the Report of the Select Committee which had sat on this subject, recommended that in every instance the Report and evidence should be circulated among all the Members.

MR. HENLEY remarked, that he apprehended it would be found that the expense was not so much in the number printed as in the setting up the type, and that the cost of any excess in the number of copies printed would be little more than the value of the paper. He doubted very much whether there would not be a saving effected in the end by ordering in the first instance such a number to be published as would meet the wants of every hon. Member; for cases might occur of a hon. Member not finding in the Vote-office the paper he wanted, coming down to the House and moving for the re-printing of more copies.

Sir John Ramsden

He thought that very often the appendices to a Report were of more value than the Report itself. The House were frequently enabled from these documents to form a judgment as to the conclusions which the Committee had drawn from the evidence. The tables and other matters in the appendix were also extremely valuable to those who paid attention to the subject before a Committee. He feared that on the whole the House would, under the new rule, get its information in a less complete manner. It ought not to be left to the chance information that a hon. Member might get, but any matter deserving of being printed ought to be circulated among all the Members.

THE CHANCELLOR OF THE EXCHEQUER said, that the rule under discussion only applied to papers presented by command of Her Majesty, and did not extend to papers ordered by the House. It had been found by experience that many of the papers printed at the instance of public Departments, although valuable, were not of such a nature as to interest the House generally, and it was suggested that a considerable expense would be saved if, instead of circulating them among the whole of the Members, those hon. Members who might desire them were left to procure a copy from the Vote-office. For example, he might mention that every year a Meteorological Report from the Board of Trade was laid before Parliament. Now, this was, no doubt, a useful matter and one interesting to a particular class of persons, but he very much doubted whether every individual Member would desire to be furnished with a copy of it. The matter, however, was to be referred to the Printing Committee for consideration.

MR. NEWDEGATE said, he might probably be allowed to make a suggestion to the Committee. If they were to follow the system pursued by the Senate of the United States, and the French Legislative Chamber they would find at the commencement of every Session a well-selected number of statistical papers submitted in the most complete form, and brought down to the most recent dates, for the use of the Members. Such a system would preclude the necessity of seeking afterwards in a broken shape the information which hon. Members required. It was well worthy of the consideration of the Government whether the great improvement which had taken place in statistical returns might not be carried still further; and whether all reasonable information upon commercial and statistical subjects might not be furnished in the early part of every Session in a convenient form, which would preclude the necessity of any of the Members requiring sectional returns, which necessarily entailed much trouble upon different Departments. He hoped that the Government would forgive him for thus recommending for their adoption the practice of the United States and the French Chamber, which contrasted most favourably with the system adopted in the British Parliament. He hoped at all events that the Printing Committee would consider the suggestion.

THE AUSTRALIAN MAIL.—QUESTION.

SIR JAMES ELPHINSTONE said, he wished to refer to the arrival of the Australian mail, by the Simla, which had reached Suez on the 12th inst., having passed Point de Galle on the 2nd inst. It was possible that she might bring intelligence of the state of affairs in India since the last mail from that country. As there was naturally a great deal of agitation abroad in respect to the state of India, it would be most satisfactory if the right hon. Gentleman opposite were able to say whether any late information had reached the Government in reference to matters in India?

MR. VERNON SMITH said, that neither the Government nor the India House had received any news from India by the Australian mail, nor did he expect to receive any by that means. He had even inquired at the Colonial Office on the subject, and had ascertained that no information had reached them bearing at all upon the state of our Indian affairs.

Main Question put and *agreed to.*

SUPPLY.—THE PERSIAN WAR.

House in Committee.

(1.) £400,000, Extraordinary Expenses of the Expedition to Persia.

THE CHANCELLOR OF THE EXCHEQUER: In rising to move the Supplementary Estimate for the Persian War, I will not refer to the discussion which took place in this House upon the grounds of that war, but will only briefly refer to the explanation I then gave as to the reason for asking the House to agree to a provisional Vote on this subject. I said that if it had not been for the disastrous intelligence which had been recently received from India, neither the East India Company would have asked the Government to present this Vote, nor would the Government have considered themselves called upon to make this additional application to Parliament. But under the circumstances of the Indian Revenue at this time—the loss which the East India Company have suffered of different district treasuries, and the probability, I may say the certainty, that the collection of the revenue, both direct and indirect, will suffer interruption and diminution for a time—the House will, I think, scarcely refuse to accede to this additional Vote. I will only briefly refer to the remark of my hon. Friend, the Chairman of the East India Company (Mr. Ross Mangles) upon the previous occasion of this Vote. My hon. Friend seemed to think that there was some reluctance on the part of this House to discharge what he considered to be a debt due to the East India Company. Now, in the first place, I must state that, properly speaking, the Government have it not in their power to pledge the credit of this House. All we did was to undertake to ask the House to reimburse the Indian Treasury for a portion of the extraordinary expenses of the war. That, however, did not create a debt. It was only a conditional promise dependent for its completion on the assent of the House. It was analogous to that species of engagement which the Government offer in tendering for a loan, those persons being aware that the ultimate acceptance of the loan will depend upon this House. I think therefore that my hon. Friend the Chairman of the Court of Directors used a term which is hardly justifiable when he talked of a debt due to the East India Company from this House. For my own part, I think that the House acted with great liberality and justice as soon as the subject was brought under its notice. I confess that although I have heard many arguments to show that the war was improperly undertaken by the Government, and that the Government was not, under the circumstances of the case, justified in entering upon the war with Persia. I have not observed any reluctance on the part of this House to discharge what my hon. Friend, as I think, improperly calls a debt due to the East India Company; but, on the contrary, I think that the House has given the subject the fairest consideration. I was desirous of making these remarks because I thought that the conduct of the House in dealing with this question has not been such as to justify any complaint upon the part of the East India Company as to the manner in which their proposal has been entertained. I shall now move that a sum of £400,000 be granted to her Majesty towards the reimbursement of the East India Company for the extraordinary expenditure connected with the expedition to the Persian Gulf.

Mr. WILLIAMS said, he must complain that when £265,000 was proposed to the House for the expenses of the war, it was intimated that a very little more would be required. That sum had been very much exceeded, and now an additional £400,000 was proposed. It would be a great satisfaction to the House and the country to know whether any further amount would be required, and he ventured to hope that the right hon. Gentleman would give a distinct answer upon this point.

The CHANCELLOR of the EXCHEQUER said he feared that he had not upon a previous occasion made the hon. Gentleman clearly understand the nature of this Vote. He had laid upon the table an estimate of the total charge of the expedition to Persia, as at present calculated by the East India Company, and if the hon. Gentleman would refer to that document, he would find that the total amount so calculated by them was £1,865,000; and in saying so much, he stated to the House all the information he possessed at the present moment, that being in fact all that the East India Company could themselves say. The House must of course be aware that no settlement could be made with the Company until the whole of the accounts were made up, and for that reason it might be more convenient not to vote so large a sum during the present Session. Looking, however, to the state of the Indian Treasury, he should not have felt justified in declining to accede to what he thought was a reasonable application on the part of the East India Company, that Government should pay the sum which appeared to be due to them at the earliest possible opportunity. The arrangement entered into with the East India Company was that the ordinary expenses of troops, for instance, and ships employed, should be defrayed bp the Company, but that her Majesty's Government should defray a moiety of the extraordinary expenses; and the present Vote was submitted with the view of reimbursing them for that moiety.

Colonel SYKES said, that a division of the army still remained in Persia, and circumstances might arise to detain them, and therefore it would be impossible at present to state the exact amount of the expense of the expedition.

Mr. COX observed, that he thought it would be satisfactory to the House and to the country to know when it was probable that the whole of the troops would return from Persia.

The CHANCELLOR of the EXCHEQUER said, that information had been received that all the European troops had returned to India, and that a portion of them were upon the march for the disaffected provinces. With regard to the native troops, he did not think that they had, at the date of the last advices, left the Persian Gulf.

Lord JOHN MANNERS said, that a Commission had been appointed to see that the stipulations of the treaty, with regard to the evacuation of Herat, were duly carried out, and he thought that it would be satisfactory to the House if the noble Lord at the head of the Government would inform the House if he had received any information from the Commission upon the subject.

Viscount PALMERSTON said, that Commissioners certainly had been appointed to oversee the evacuation of the place. They were, however, to proceed to Herat by way of Teheran, and consequently it was impossible, during the short time that had elapsed since their appointment, that the Government could be informed of the result.

Sir HENRY WILLOUGHBY said, it was only the other day the House was informed of an outstanding account due to the East India Company for the last China war. The Committee were now asked to assent to a vote of £400,000 due to the East India Company for the Persian war, although the right hon. Gentleman, when proposing the first vote of £260,000, said that that sum would be the only call. He thought it would be desirable to know the full extent of the amount that would be required for this purpose. He was afraid that we were paying very dear for the advantage it was supposed we had gained. Another point to which he wished to call their attention was one which he considered involved a very serious matter. Whenever any hostilities were entered into with any power which were calculated to cast a burden upon British resources, he thought it was the duty of the Government immediately to communicate the fact by a mes sage to the House. It was like shaking the very foundation of the financial power of the House for the Government to come at that time of day for payment of those expenses. He had an intention of introducing a specific Resolution on the subject, but he was prevented carrying out that intention from the fear of embarrassing the Government. He hoped, however, that the Government would give them some assurance on the subject that the present case would not be drawn into a precedent.

VISCOUNT PALMERSTON said, from the observations of the hon. Gentleman, he was almost disposed to think that the hon. Gentleman was entering upon a repetition of the observations made the other night by the hon. and learned Member for Sheffield (Mr. Roebuck). He (Viscount Palmerston) endeavoured on the former occasion to explain the reasons for the delay which had occurred in communicating those facts to Parliament. He had then stated that at the earliest possible moment the Government communicated the fact to Parliament in the most formal manner. Indeed, the war with Persia was stated in the Speech from the Throne, which was a much more formal way of communicating the intelligence to the House than a message in the course of the Session. He could only give the assurance now, as he had given it before, that the Government were willing to admit the principle which the hon. Member contended for—namely, that when a war was undertaken which was likely to lead to expense, they ought to take the earliest possible opportunity of laying the facts before Parliament, even independently and before any vote of money for the conduct of the war was proposed. The House would thus have the earliest opportunity of considering the whole matter, and of expressing an opinion upon the question.

MR. WALPOLE said, that he thought that the noble Lord was not quite accurate in his observations respecting the official communications made to the House. Although, no doubt, there was an announcement in the Speech from the Throne that British forces, both naval and military, had gone upon the Persian expedition, no intimation was given either in that Speech, or otherwise by the Government, that the expenses were to be borne jointly by the Home Government and the East India Company. That was a matter upon which he thought the Government ought to have given the House some information, and that was the point which he pressed the other night in the debate which arose on the Resolution of the hon. and learned Member for Sheffield (Mr. Roebuck). The House then received from the noble Viscount at the head of the Government, an assurance that this should not be drawn into a precedent, and being satisfied with that assurance he was one of those who voted with the noble Viscount, and against the Resolution, expressing reprobation of the conduct of the Government. As he was upon this subject, the noble Viscount would probably forgive him for correcting what was certainly a very clever turn of the debate when he twitted hon. Members, and himself (Mr. Walpole), among others, with not having brought this subject forward at an earlier period of the late Session. The noble Lord should, however, recollect that we were then engaged in negotiations for peace, and that hon. Members carefully abstained from raising any question, the discussion of which might impede the progress of those negotiations. He could appeal to some of those who sat on the Treasury bench to confirm his statement that it was not an after-thought, but his deliberate opinion from the first, that something ought to have been said by the Government with reference to the portion of the expenses which this country was to bear, and that the Government should have done well to pass a Resolution that this should not be drawn into a precedent. He therefore thought that no hon. Member of that House could justly be blamed for not raising an objection to the proceedings of the Government at a time when negotiations for peace were going on, and when the adoption of such a course might have produced great inconvenience.

THE CHANCELLOR OF THE EXCHEQUER remarked, that he distinctly recollected that very early in the last Session of Parliament, probably on the second or third day, he clearly stated what was the financial arrangement with respect to the Persian war. More than that, when he made his financial statement, which must have been on the eighth or tenth day of the Session, he gave the estimate of £260,000, which had been so much criticised; and the correspondence between the East India Company and the Treasury was shortly afterwards laid upon the table; therefore it was clear that the House was at the earliest period informed of the arrangements for the expenses of this war.

Vote *agreed to.*

SUPPLY.—WAR WITH CHINA.

(2.) £590,693, late War in China.

Mr. WILSON said, this Vote required a few words in explanation. It was a Vote for the purpose of adjusting the settlement of the account with the East India Company, on account of the old China war. Sir J. Hogg, in the last Parliament, charged the Government with delaying the settlement of this Vote. The delay, however, was occasioned by disputes which had arisen as to the balancing of those accounts. The present Vote, however, was the result which was reluctantly assented to on the part of the East India Company as a settlement of the charges of the old war. The Vote, however, in point of fact, was more a matter of form than one of substance; and, so far as it regarded the finances of the year, it would affect them in a very trifling degree. The Government had a claim of £560,000 against the East India Company, so that the real balance due to them was only £30,000. It was, however, necessary, according to the forms of business, to take the whole Vote.

Mr. W. WILLIAMS said, that notwithstanding the great resources and the high credit of this country, it seemed to him that the demands made upon the House would bring us to a standstill. One half million after another was asked for, and there seemed to be no termination to such demands. He wished to know whether any more of these Votes had to come, and also whether the amount of this Vote was included in the sum paid by the Chinese?

Mr. WILSON said, that this was a final settlement of the claims for the last Chinese war. The East India Company and the Government had been reimbursed for the whole expenditure of that war by the Chinese, and this was merely a settlement of accounts between them.

Colonel SYKES said, that the East India Company had made a very bad bargain. They had for a long time been kept out of money which they had expended entirely for the benefit of Her Majesty's Government.

Mr. COX remarked, that he should like to know what security the Government had for the £560,000 due from the East India Company. Would it not be sufficient to vote the difference between the two sums?

Mr. WILSON said, it was impossible to take that course, as the forms of Parliament would not allow it. No issue could be made out of the Exchequer, unless it was voted by the House, and although the Treasury may have received the £560,000, the Government must still have the nominal power to issue the whole £590,000.

Vote *agreed to.*

SUPPLY.—MISCELLANEOUS ESTIMATES.

(3.) £7,125, General Board of Health.

Mr. W. WILLIAMS said, he had to complain of the shortness of the time during which these Estimates—class No. 7—had been in the hands of Members. They included forty-eight votes, amounting to £684,000, and showing an increase of £303,000 over the Votes for the same items last year. [*Cries of* "No! no!"] He said yes. That was after deducting a class of Votes which had disappeared from the Estimates. These Votes he only received at past Ten o'clock that morning, and, as he had to leave home to perform his duties in the House at ten minutes after Eleven, therefore he had only an hour and ten minutes to investigate the nature of those forty-eight Votes. Were it not that he saw among the votes some old friends of his on which he wished to say a few words, he should, to save the time of the House, propose to vote a round sum of £648,000. As to the particular Vote, he had been given to understand that the Board of Health was to be abolished, and there was a Bill now before the House, he believed, for that purpose. It had proved to be utterly useless, and served no other end than to provide large salaries for certain individuals. For instance, there was a medical officer at a salary of £1,500; but the office was totally useless at the present time, because, since the appointment of the holder of the office, all the great parishes of the Metropolis had appointed medical officers of their own.

Sir GEORGE GREY said, he must demur altogether to the statement that this Department had been found to be utterly useless. On the contrary, it had done good service, and when the cholera visited this country its labour had been most valuable. It would not be wise nor expedient to dispense altogether with some machinery of the sort, but the Government, upon consideration, had come to the conclusion that it was unnecessary to keep up a separate Department; and a Bill was introduced for the purpose of conferring its powers on the President of the Council, assisted by some members of the Privy Council. Of course it would be necessary to keep up the staff to a certain extent. The Bill, owing to various circumstances, had been postponed, and this Estimate was calculated for the Department as it now stood, but if the Bill passed into law no more of the sum voted by Parliament would be spent than was absolutely required under the new arrangement.

MR. BLACKBURN observed, that he understood that the Board of Health would expire this year, whether there was any legislation or not, consequently it was unnecessary to take a vote for it.

SIR GEORGE GREY explained that the Board under the present arrangement, would not expire until the end of the Session of 1858.

COLONEL SYKES said, he also must complain that by the late delivery of the Estimates hon. Members were deprived of all opportunity of considering Votes which they were required to grant or reject on the spot. By this conduct of the Government they were placed in a false position with their constituents.

SIR HENRY WILLOUGHBY said, he wished to know whether any part of the £18,000 voted last year for this Department had been left unexpended, or whether it had all been spent in the year? None of the accounts connected with these Estimates were audited, and Parliament had no assurance that these moneys were all spent on the objects for which they were voted. Indeed facts had come out lately which showed that any of these Votes could be applied to purposes other than those for which they were voted. For instance, of the sum voted for the funeral of the Duke of Wellington, £24,000 it turned out had not been spent at all. Under these circumstances, and considering the very large increase which had taken place of late years in this particular class of Estimates, it was very desirable to know whether the whole of each particular Vote had been spent on the precise object for which it was voted, or whether there was any outstanding balance applicable to other purposes.

MR. WILSON said, that with regard to this particular Vote the money-votes for one year were not applicable to the next year. It was a Vote for the expenses of the Department for the year ending the 31st of March, 1858, the expenses of the next year would be voted in that year, and therefore, as regarded the establishment the money-vote for the year must be spent in that year. With regard to another class of Votes in this paper—Votes for public buildings, for instance, the whole of the money need not be spent in the year, and the balance would be still applicable to the expenses of the buildings for the following year, but for no other purpose. The hon. Baronet was quite in error in supposing that the money voted for one purpose could be applied to any other. It was impossible to say at this moment what portion of the particular sum granted last year was still unexpended, but the hon. Baronet was aware that every year accounts were laid on the table which showed precisely how much of these Civil Service Votes were issued, how much expended, and how much remained unexpended. With respect to the question of audit, though these accounts were not audited as the Army and Navy accounts were, yet the issues were audited by the Audit Department, and, if they were exceeded, of course attention would be called to the fact by that Department in its annual Report.

SIR HENRY WILLOUGHBY said, that the annual finance accounts, with singular adroitness, were not laid on the table until the end of June or the beginning of July. They had then to be printed, and they were not delivered to hon. Members until some time in the recess, so that for the purposes of the financial year they were not worth one farthing.

MR. WILSON said, he was aware there was some cause for complaint in the matter to which his hon. Friend had referred; but the delay had arisen from the difficulty which the War Department had experienced in closing its accounts, in consequence of the heavy service in which it had recently been engaged. That, however, was a difficulty which he hoped would not exist in future years, and he trusted the War Department would be able in future to furnish its accounts within the time prescribed by the Act of Parliament.

MR. W. WILLIAMS said, he should like to know if the Bill for transferring the duties of the Board of Health to the Privy Council passed what they would want with a President at a salary of £2,000 a year? He should move that the Vote be postponed until they knew the fate of that Bill.

THE CHAIRMAN said, it was not competent for the hon. Member to make such a Motion.

Sir GEORGE GREY said, as a matter of course, from the time that the Bill passed, if it passed, the Government would not feel themselves justified in spending any portion of the money which might then remain unexpended. There was, however, a President for the present year still in existence, and the Bill referred to, moreover, might not receive the sanction of Parliament.

Mr. MOWBRAY said, it was gratifying to know that there was still a President of the Board of Health, for until then he had thought from the silence of the right hon. Gentleman (Mr. Monsell) who held that office, that it was defunct. If they were to have a Board of Health, with a President who received that large salary, the grant should have been defended by the right hon. Gentleman who performed the functions of that office. He trusted that the hon. Member for Lambeth would take the sense of the Committee on this Vote.

Sir GEORGE GREY said, his right hon. Friend had discharged the duties of his office in the most creditable manner, but it was no part of his functions to defend the Vote before the House. That was a duty properly devolving on him (Sir G. Grey).

Mr. COX said, he thought it was hardly fair to ask the Committee to discuss the question that night on an estimate which hon. Members had really no sufficient opportunity of looking into. He was strenuously opposed both to the Board of Health and to the proposed Bill for transferring its duties to the Privy Council. Besides, he had understood that the powers of the Board of Health were to cease this year. He was ready to divide against the Vote, believing the Board of Health to be a greater nuisance than any of those it professed to remove.

Viscount PALMERSTON said, it had been stated that the powers of the Board of Health were not only useless but mischievous. He would not advert to their usefulness in this metropolis in a sanitary point of view; those who recollected what passed on the last visit of the cholera were well aware of the eminent services they performed, and of the noble devotion which his right hon. Friend (Sir B. Hall) exhibited in the discharge of his official functions. But this Board was exceedingly useful in the relation in which it stood to towns that were anxious to obtain for their corporate constitution certain powers for cleansing, lighting, and sanitary purposes. If any town in the kingdom obtained those powers through the medium of a private Bill, the inhabitants had to pay something like £600 if the Bill was unopposed, and perhaps double that amount if it was opposed; but they could obtain the same privileges through the intervention of the Board of Health at an expense not much exceeding £50, and that was the Board which the hon. Member for Lambeth (Mr. Williams) believed to be mischievous and useless.

Mr. W. WILLIAMS said, he was perfectly ready to acknowledge that the services of the right hon. Baronet (Sir B. Hall) during the last visit of the cholera were most meritorious; but he must contend that the circumstances were entirely different now, when on the new Metropolitan Board of Works devolved most of the functions which had been previously discharged by the Board of Health. With regard to the services which the noble Lord (Viscount Palmerston) said had been performed by the Board of Health to corporate towns, he (Mr. Williams) only knew two towns which had availed themselves of those services, and the result had been extremely unsatisfactory—he might say, hateful to the inhabitants. He thought, at all events, that the salary of the medical officer of the Board ought to be reduced from £1,500 to £500. As he could not move the postponement of this Vote he had no other course to take than to meet it with a direct negative. He should, therefore, take the sense of the Committee upon it.

Mr. AYRTON observed that he understood that the Board of Health was condemned by the late Parliament, yet they were asked to provide the whole establishment the same as last year. The Government had introduced a Bill to continue the Board of Health in a worse form than previously, because the powers of the President were transferred to an irresponsible body—the Committee of the Privy Council. The Bill had been read a second time accidentally without serious opposition. The Government, however, knew it would be opposed, and the next stage was postponed from day to day and from week to week. Until the House had had an opportunity of pronouncing its opinion on the Board of Health he thought the Vote ought to be postponed.

Mr. COWPER said, he could not agree with the hon. and learned Member for the Tower Hamlets (Mr. Arytoh), that the Committee of the Privy Council was an irresponsible body. The President of the Board was a Privy Councillor, but a transfer of its powers to a Committee of the Privy Council would not be the cause of more secrecy than now existed. The Government, for the sake of economy, had made a concession to the feeling that there was too large an expenditure under different Deparments, but, as very often happened, the concession had not been met in the spirit in which it had been made. The Government had thought it would be more economical if the Board was combined with another Department. The Board did not exist under a temporary but under two permanent Acts, and before it could be abolished, the Acts under which it existed must be repealed. Those Acts were the Board of Health Act of 1848, and the Diseases' Prevention Act of 1855, and it would place matters in an anomalous position if they were suddenly to destroy the Department to which the carrying out those Acts was entrusted. It was very natural that hon. Gentlemen representing the Metropolis should not be aware of the usefulness of the Board of Health, because the Metropolis was excluded from the scope of the Public Health Act. But the Metropolis Local Management Act was based upon the same principles as the Public Health Act, and therefore, if the Metropolis Act were useful, so must be the Public Health Act. The Public Health Act had been applied to 239 towns, and the majority of those towns were most thankful for the benefits conferred by the Act, and the aid received from the General Board of Health in the form of legal, engineering, and medical advice. So far from being useless, the Board of Health was, perhaps, the most useful department of the Government [*Laughter*]. It was the only Department which saved lives; but, perhaps, hon. Members who laughed did not think the saving of lives of any importance. On comparing the mortality in nineteen towns before the works of drainage were commenced and after they were completed, he found that the number of deaths had decreased from twenty-eight in 1,000 to twenty in 1,000. But the decrease of mortality was not the best test. The decrease of disease was still more marked, showing that by carrying away the pestilential miasmata of sewers and cess-pits, they could almost annihilate typhus fever, and greatly diminish epidemics, which tended to prostrate the powers of active men, and to entail the expenses of sickness upon the labouring classes. The benefits to the working classes especially in that respect had been great. There were many subjects besides the administration of the Act of 1848, on which the Board of Health exercised their powers. They had produced, for instance, the most valuable blue-books during the last nine years. The importance of those books was proved by the fact that almost all the legislation that had taken place of late years had been founded on the information and the recommendations which they contained. That was the case in the improvement of the water supply of the Metropolis, and in the case of the numerous Bills passed for the prevention of the disagreeable and dangerous practice of intramural interment. The adoption of better measures with respect to quarantine and all the arrangements for checking the spread of cholera and other contagious diseases, had also been adopted under their superintendence; and he was indeed surprised to find any hon. Member of that House denying their general usefulness. Objection had been taken to the amount of the salary paid to the medical officer of the Board; but it was only by the payment of a liberal allowance that it would be possible to secure the services of a gentleman of high attainments, and who possessed the confidence of the members of his profession; and such a person the Board had found in the person of Mr. Simon. It should be remembered also, that in case of another visitation of cholera, it was only through the Board of Health that the indispensable regulations as to cleansing, whitewashing, &c., could be carried out, as there was no power of issuing such regulations except under the Diseases' Prevention Act, which was under the administration of the Board of Health. He had further to observe, that the estimate in that case was in all probability greater than the amount which it would be necessary to expend. The towns on whose behalf a portion of the money was laid out, returned the charge incurred on their account; and last year the sum so given back amounted to not less than £3,831. It was very likely that no less a sum would be returned out of the expenditure of the present year, and that the actual cost would be ultimately reduced by that amount. Those were the only observations with which he then deemed it necessary to trouble the Committee.

MR. MOWBRAY said, he thought that the address they had just heard from the right hon. Gentleman the Vice President of the Committee of Education, might have been more appropriately delivered on the occasion of the second reading of the Board of Health Bill. The question which the Committee had then to consider was whether they should continue for another year a system which had been condemned by Parliament and the country. It was a significant circumstance that, considering the manner in which the Board of Health had been attacked, its President (Mr. Monsell) had not ventured to say a word in its defence. He did not think that it was to the Vice President of the Education Committee they should look for a vindication of the Board of Health. That right hon. Gentleman, however, had stated that he had in his pocket a list of towns which had expressed their approbation of the Board of Health. Perhaps he would inform the Committee whether Croydon and Sandgate were among those places. There could be no doubt that the proceedings of the Board of Health, and especially its engineering operations, had proved distasteful to many towns, and, in order to give the President of the Board an opportunity of addressing the Committee, he begged to ask him whether those superintendent inspectors, whose salaries were included in the Vote, were not in the habit of acting as engineers in the boroughs to which they were sent.

Mr. MONSELL replied, that since 1854 the superintendent inspectors had not acted as engineers. That system had been entirely abandoned. He believed that the practice which existed before 1854 of compelling towns to employ the engineers sent down by the Board, was the main reason of the unpopularity to which the Board had been exposed. During the short period he had filled the office of President, he had found on the part of the local authorities nothing but gratitude for the services rendered to them by the Board of Health, together with great willingness to adopt any suggestions which might be made to them. He might state, indeed, that the relations between the local bodies and the central Board were at the present moment entirely satisfactory. With respect to the personal observations of the hon. Gentleman who had last addressed the Committee, all he could say was that his position was a very peculiar one. It was necessary that somebody should fill the office of President of the Board of Health pending the passing of a Bill for the abolition of the office, and the consideration of which had been fixed for an early day; and, although it was certainly not pleasant to occupy the post under such circumstances, he had considered it his duty to continue to discharge the duties of the office to the best of his ability until it was abolished. He might add, in conclusion, that he would be glad to give the Committee every information in his power.

Mr. HENLEY said, that he was glad to find that such amicable relations existed between the Board of Health and the provincial towns as the right hon. Gentleman had described. He must confess, however, that an impression had gone abroad very extensively, that there had been a good deal of "jobbing" connected with its operations, and although the practice which had given rise to that impression might have been discontinued, yet the feeling was not entirely abated. With respect to the Vote itself, the Vice President of the Education Committee had told them that it was desirable to have sanitary improvements—a position which no one could feel disposed to dispute, but the question was, whether sanitary improvements could not be carried out without the expensive machinery of the Board of Health. The right hon. Gentleman had also alluded to various sanitary measures which had been carried out under the superintendence of the Board of Health. Now he (Mr. Henley) would not undertake to say whether those measures had always been improvements; but this he could state that the works to which the right hon. Gentleman had specially referred, were the productions, unless he was much mistaken, of an individual who had at one time possessed great influence with the Board, but who had been so far from having inspired the House and the country with the same confidence, that it had been thought desirable to grant him a retiring pension in order that the system might be carried out in a manner more acceptable to the public at large. It was adduced in support of the Board, that it appeared from certain blue-books that in nineteen towns the mortality had diminished under the operations of the Board from twenty-eight in the 1,000 to twenty—a very satisfactory statement, no doubt, but one which would have carried more weight upon the present occasion had the House been told at the same time what had happened in other towns where the Board of Health had not interfered, and whether the decrease in the amount of mortality had not been caused by a cessation of various maladies which had for some time injuriously affected the public health. The continuance of the Board had been objected to for some time by the public, unless some improvements were made in the Act under which it derived its powers. Those improvements the Government had not thought fit to introduce, but instead proposed to transfer the whole powers to another body. For some reason, whether rightly or wrongly, the public had adopted an opinion that the Board of Health was a nuisance, and that idea, coupled with the fact that the inspectors were mixed up in engineering matters, had entailed much of its unpopularity. While the matter was hanging over from year to year the House might hope that at some time improvements might be made in the Act, but now it was proposed to hand over all the powers of the Board of Health permanently to another office. The right hon. Gentleman the Vice President of the Education Committee, would no doubt administer the Act with judgment and for the benefit of the public; but the general desire was that that Act should be amended so that its objectionable provisions might be removed before the House committed itself to the formation of a permanent Department. With regard to the Estimate, he thought it was not entirely satisfactory, the amount being precisely the same as that at which it had stood for some years, and the right hon. Gentleman who was in future to have the control of the Department, had spoken in a manner to lead the House to believe that his duties could not be of too burdensome a character. It was to be regretted that the Government had not brought on the Bill, which it was understood was to be introduced for the improvement of the Public Health Act at an earlier period. If the modifications required by the public had been introduced into the powers conferred upon the Board of Health, the objections to the Board itself would have been diminished. It was very disagreeable to oppose a Vote of this kind, and he could not bring himself to do so on the present occasion, but hoped that the Bill he had referred to would be introduced at an early period of next Session.

MR. BASS said, that until there was a central authority the local Boards of Health were very slow to make sanitary arrangements for the benefit of the public. With regard to the diminished mortality alluded to by the right hon. Gentleman, it would not be difficult to prove that the relative amount of mortality was greatly in favour of those towns which had adopted the sanitary arrangements of the Board of Health. His object, however, in rising was to give the testimony of the borough which he represented in favour of the Board of Health. During the last two Sessions he had received positive instructions from the Mayor and Corporation of the town of Derby to support any Bill introduced by the Board of Health, and only yesterday he received instructions to support the Bill which was about to be introduced on this subject, which met with the general approval of the authorities.

SIR GEORGE PECHELL observed, that he was sorry he could not come before the Committee with the same force as the hon. Gentleman who had just sat down; for he had not received such valuable instructions with regard to the Board of Health. But, on former occasions, he had received representations from the borough he represented, expressing abhorrence of the mode in which the Board of Health carried out the provisions of the Act of 1854. He fully concurred in almost all the observations of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). He objected to the proposed transfer of powers of the Board of Health to the Committee of Council, and he hoped if there were to be any improvement in the Public Health Act, the people of this country would have full power given them of expressing their opinion on the matter, and as to its adoption in their towns. He would gladly support a measure for putting an end to the Board of Health, the Poor Law Board, and he would add, the Board of Trade.

MR. MONSELL said, the remark of the hon. and gallant Member showed that the misdeeds of the Board of Health of 1854 were attributed to the present Board, which was totally differently constituted. At present no district was obliged to adopt the recommendations of the Board in opposition to the wishes of the majority of the rate-payers in it.

SIR GEORGE PECHELL said, he was glad to be able to bear his testimony to the mode in which both the right hon. Gentleman and the late President of the Board of Health conducted its business; it was only the system to which he objected.

THE CHANCELLOR OF THE EXCHEQUER said, that it would be difficult to satisfy such a general enemy of Boards as the hon. and gallant Member for Brighton (Sir G. Pechell); but, before the question was put, he wished to say a word on what had been stated by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). He thought that although the circumstances under which the Vote was proposed were not devoid of embarrassment, yet that the right hon. Gentleman had greatly exaggerated the difficulties which beset it, and had not alluded to the circumstances which tended to the removal of those difficulties. His right hon. Friend the Secretary for the Home Department had laid on the table a Bill to transfer the powers of the Board of Health to the Privy Council, but at the same time said that the House would not have time to consider it this Session. That Bill was introduced last Session, and had now lain on the table for many weeks, and it was postponed not at the instance of the Government, but on account of the objections which had been taken to it from different parts of the House. Should that Bill receive the sanction of the House, the effect of it would be to make a large portion of the establishment of the existing Board unnecessary, and the House, when the Bill was in committee, could impose any conditions it liked on the functions of the new Board. If the House thought that those functions, even in the hands of the Privy Council, should be exercised for one year only, then it could fix that as the limit. But it was necessary, till the views of the House with regard to the Bill were known, to propose a Vote for the establishment in its existing form. The estimate was taken from the 1st of April last. The establishment had been in existence since the 1st of April, and surely the House would not refuse to vote the salaries payable for that time. The first quarter being over, the question arose as to the remaining three quarters. If the plan embodied in the Bill of his right hon. Friend should be adopted, then the Government would reduce the establishment according to that plan, and, inasmuch as this was the spontaneous proposal of the Government, and not a measure pressed on them by the House, it could hardly be doubted that they would strictly carry out its provisions. If, therefore, the whole amount now voted was not required, the whole amount would not be expended; and he could safely assure the House that if that Bill was passed, and should the establishment undergo the reduction that it must then necessarily undergo, the sum asked for in the Vote would not be required. After this explanation he hoped the Committee would not refuse their sanction to the Vote submitted to them.

LORD JOHN MANNERS said, it was somewhat unsatisfactory to discuss this Vote on the supposition that a Bill which had been so long held back by the Government would finally pass. He did not expect that it would pass. He admitted that it would be unreasonable to object entirely to the Vote; but he did not think that the very considerable amount which was asked was justified by the circumstances of the case. A few years ago the Chief Commissioner of Works was also President of the Board of Health, and at that time in neither character was he considered entitled to a private secretary; but now that the office was divided, each Head of the department had a private secretary. He should be surprised if it could be shown that the duties of the Board of Health required a secretary, an assistant secretary, and a private secretary to the President.

Motion made and Question put,

"That a sum, not exceeding £7,125, be granted to Her Majesty, to complete the sum required to defray the Expense of the General Board of Health, to the 31st day of March, 1858:"

The Committee *divided*: Ayes 141, Noes 30; Majority 111.

Vote *agreed to.*

(4.) £2,548, Ecclesiastical Commissioners for England.

SIR JOHN TRELAWNY moved, that the Vote be reduced by the whole amount now proposed to be granted. The Vote was usually opposed by a section of the House opposed to all grants for religious purposes, and he had constantly divided against it, as well as against ministers' money. He wished to obtain from the Government some explanation with regard to the course they intended to pursue, as he did not consider that, consistently with their principles, they could support this grant; and he wished to relieve them from the difficulty which, otherwise, they would have to encounter when they brought in the church-rate measure, which they had promised to introduce this Session.

MR. W. WILLIAMS said, the Committee were placed in some difficulty with regard to this Vote, because £1,000 had already been voted on account this year to defray the expenses of the Ecclesiastical

Commission. The resources of the Church of England were immensely great, and she ought to be required to bear all the expenses of managing her property. He thought that the people of this country had been extremely tolerant with regard to the Established Church, and that it was most unwise in her to add to her revenues by taxes imposed upon the people at large.

Mr. WILSON said, this Vote had been agreed to for a great number of years. The greater part of the expenses of this Commission were paid for by the Commission itself, out of the funds of the Church. Independently of the special duties which it had to perform, it had a great amount of public duty to discharge with regard to copyholds and leaseholds.

Mr. WHITESIDE said, he would express his hope that now ministers' money had been abolished in Ireland, the expense of managing the Irish Church Estates would also be paid for out of the public funds.

Lord JOHN MANNERS said, he thought that the suggestion of the hon. and learned Gentleman who had just spoken was a very reasonable one, but that the proposition of the hon. Baronet opposite was most unreasonable, and for this reason,—it was not the Established Church but the Liberal Majority of a Liberal House of Commons that wished the property of the Church to be managed, because that majority insisted that she was incapable of managing her own property, and that the Commission which they desired to constitute would manage it more economically and beneficially. Surely, then, it was not unreasonable that the House of Commons should vote the expenses of that Commission, which violated all the ordinary rules of law. If the hon. Baronet would propose the repeal of the Act of Parliament which set up that abnormal Commission he (Lord J. Manners) was not sure whether he should not have great pleasure in seconding that proposition. In many respects the Commission was nothing but an incubus upon the Church of England, and so long as the Liberal majority of the House of Commons insisted upon the whole of the property of the Church being managed by it, that House was bound to provide funds for the maintenance of the Commission.

Sir GEORGE GREY: The noble Lord has ventured, on the part of the Church, to repudiate the interference of the Ecclesiastical Commission, but I, being a member of that Church, most certainly disclaim to be represented by the noble Lord. I am sorry that he has not expressed any sympathy on the part of the Church with those immense advantages which have been derived from this Commission, both as regards the extension of the spiritual instruction of the people and the administration of ecclesiastical property.

Lord JOHN MANNERS said, there were innumerable cases in which the spiritual wants of the people might have been far better provided if the Church of England had been permitted to act for herself.

Sir JOHN TRELAWNY: The noble Lord says that this Commission is entirely unnecessary; and I therefore claim his support in my attempt to procure its disallowance.

Mr. A. W. KINGLAKE said, the Commission had not satisfactorily performed the duties which it undertook to discharge.

Mr. WALPOLE said, that he hoped that looking at the Reports published from year to year, of what had been done by the Commissioners, their great usefulness would be acknowledged on all hands. The Church itself had been benefited to the extent of £90,000 or £100,000 a year, while an enormous amount of spiritual destitution had been relieved. Considering that Parliament had interfered, and appointed paid officers to see that the property of the Church was properly managed, and the spiritual wants of the country were properly provided for, the least they could do was to continue this very moderate grant, bearing in mind that the greatest part of the expense came out of the funds of the Church.

Mr. W. WILLIAMS said, he quite admitted that the Commission had been of service to the Church, and that was the reason why he opposed the Vote and insisted that the Church and not the country should pay the expenses of the Commission. He did not at all object to the Commission; in fact, he wished that its powers were enlarged, so that it might have the entire management of all the property of the bishops and deans and chapters, in addition to that part of the property of the Church over which it had already control, because he felt that then that property would be more valuable than at present.

Motion made and Question put,

"That a sum, not exceeding £2,548, be granted to Her Majesty, to complete the sum required to defray a portion of the expenses of the Ecclesiastical Commissioners for England to the 31st day of March, 1858."

The Committee *divided:* Ayes 147, Noes 54: Majority 93.

Vote *agreed to.*

(5.) £11,080, Charity Commission.

MR. W. EWART said, that the Charity Commissioners had done a great deal of good. They had recovered £800,000 to the country through these charities, and had framed many excellent schemes which would be of great advantage in promoting the education of the people. But the Commissioners were thwarted and cramped in their operations for want of further powers. There were no less than 18,000 small charities, producing only, on an average, £10 a year each, but the aggregate amount arising from which was not less than £58,000 a year. The Commissioners had not the power to set proceedings in the case of these charities in motion. They could move the County Courts; but they could not act themselves. He trusted to be able before the recess to bring this subject under the notice of the House, so that further powers might be given to the Commissioners. Another great evil was that under the Act, known as the Grammar School Act, schoolmasters had too great a power given them in retaining their situations, so that they could set the Commissioners at defiance.

MR. HENLEY said, the powers of the Commissioners were large already, and he entered his protest against giving the Commissioners any of the powers of the Court of Chancery, so as to enable them to alter the appropriation of charities. The Commissioners were doing a very good work at present.

MR. BAILLIE remarked, he should be glad to know what the Commissioners were doing. He was inclined to believe that with their present power they had very little opportunity of doing good. The Commission was a very expensive one, and the House ought to know what results it had accomplished.

MR. BAINES: If the hon. Member had read the last Report of the Commissioners he would have seen that the right hon. Gentleman (Mr. Henley) was fully warranted in saying that within the scope of their powers they were doing a great deal of good. That Report set forth the orders made by the Commissioners and the advice they tendered to persons interested in these charities. By the Charitable Trusts Act power was given to trustees, when any legal difficulty as to the administration of the funds in their hands arose, to apply to the Commissioners for advice, and he found it stated in the last Report of the Commission that 1,007 different cases had been brought before them in the course of the year 1856, with that object. It was quite clear, therefore, that a vast amount of good was effected by the Commissioners in that respect.

MR. W. EWART said, he was of opinion that the only mode of emancipating charities from the present state of thraldom, was by extending in a moderate degree the power of the Commissioners. By that means those charities would be emancipated, a cheaper mode of administering them would be secured, while the intentions of the founders would be in no respect contravened. Surely the Commissioners might safely be entrusted with the same powers as those already given to the County Court Judges and other Judges of the Court of Bankruptcy.

MR. HENLEY maintained that in those cases, in which the exercise of a judicial power was called for, it ought to be exercised by a court of justice in the face of day.

MR. A. W. KINGLAKE said, that in order to prove the importance of the functions which the Commissioners discharged, he would instance a case in which a suit had that very day been heard in the House of Lords for the purpose of recovering property amounting to £60,000, which sum a private individual, believing it in reality belonged to a particular charity, had prevailed on the Commissioners to certify, as constituting a proper subject for the institution of legal proceedings.

MR. MONCKTON MILNES said, he was of opinion that the limits of the Commissioners' duties might with great advantage to the public be extended to the control of larger sums of money than they were at present enabled to administer.

Vote *agreed to.*

(6.) £1,911, Statute Law Commission.

MR. WHITESIDE said, he wished to call the attention of the Committee to the circumstance that while the Commission figured in the Estimates as one of only a temporary character, the right hon. Gentleman the Secretary for the Home Department had upon a former occasion stated, in answer to a question which had been put to him as to the probable duration of the labours of the Commission, that it would have work for many years to come of a nature similar to that which it had already undertaken. Now, he (Mr. Whiteside), for one, had no faith in the labours of the Commission, and he should very much like to know what advantage the country was to derive from the money which they were asked to expend in connection with it. He found from a letter which had been written by its Secretary, and which was dated the 6th of January, 1857, that a classification of the whole contents of the statute book, with a view chiefly of faciliating the work of consolidation, had been commenced and was expected to be completed in about six months: but the six months had expired without any such result, as far as he could see, having been brought about. He had only to add, that if the labours of the Commission resulted in producing a set of measures for Ireland distinct from those which they sought to apply to England, he should offer to any such scheme a determined opposition. There was very little difference between the laws in both countries, and he thought an opportunity was at present afforded to imperialize the statute law which ought not to be passed over.

Vote *agreed to;* as was also (7,) £4,924, Civil Service Commission.

(8). £3,524, Temporary Commissions.

MR. WISE said, that a rumour prevailed in certain circles, and had obtained a wide circulation, to the effect that the Government were prepared to disregard the Report of the Commission which had been appointed to inquire into the subject of a site for the National Gallery, and to remove that Gallery to Kensington ; and he wished, therefore, to ask the right hon. Gentleman the Chancellor of the Exchequer whether the Government were prepared to adopt the Report of that Commission ?

THE CHANCELLOR OF THE EXCHEQUER : If the hon. Gentleman had not given importance to a rumour which is wholly unauthenticated by alluding to it in his place in this House, I should have considered that that rumour was deserving of little notice. I can, however, assure him that the Report of that Commission has not yet been presented. (*Murmurs of dissent*). Well, I have not seen a copy of it, and am ignorant of its contents, and I can only say that the Government have come to no decision upon the subject.

MR. WISE said, he was astonished at the reply of the right hon. Gentleman, which was by no means satisfactory. The question which he wished to put was, whether Her Majesty's Government intended to act upon the Report of the Commission, and to adopt it as presented ?

SIR GEORGE GREY said, that he believed he was the only Member of the Government who had seen the Report, and he had not had time to read it. He had, however, received a copy of it, and also a letter from Lord Brougham, the Chairman of the Commission, stating that they had as yet been unable to append to the Report the documentary evidence connected with it. When the Report in a complete state was in the hands of the Government, it would be laid before Parliament ; but at present it was impossible for him to say what conclusions would be drawn from it, but he had no doubt that it would receive the fullest consideration.

MR. WISE : I wish to know whether the Government, after receiving that Report, intend to adopt it ?

THE CHANCELLOR OF THE EXCHEQUER : When I see the Report I shall be able to state the intentions of the Government with regard to it; but at present we have not come to any conclusion upon the subject.

MR. NORTH said, he begged to ask when the Report would be laid on the table of the House ?

SIR GEORGE GREY said, he had received a letter from Lord Broughton transmitting the Report of the Commissioners, but a sufficient number had not yet been printed for circulation. Two other copies had since been sent to the Home Office, in order that the usual steps might be taken for presenting the Report to Parliament; but Lord Broughton stated that it was so far incomplete that they were not able to print the evidence on which the Report was founded. Until the Report, with the evidence, was in the hands of the Government, it was impossible that the Government could state what steps would be taken. No delay would be incurred in laying the Report before Parliament.

MR. AYRTON said, that what the Committee desired was a pledge from the Government not to do anything to remove the National Gallery without the sanction of Parliament. On former occasions it had been found that the Committee could not reject Estimates presented by the Government without causing a breach of faith with individuals to whom the Government had placed themselves under contract.

Viscount PALMERSTON said, that surely no pledge was necessary. No steps could be taken to build a new National Gallery without the vote of the House. The question almost answered itself.

Mr. CONINGHAM said, he would avail himself of the opportunity of stating that unless, between this and next Session of Parliament, some arrangement was entered into by which the Royal Academy were compelled to vacate the space occupied by it in the National Gallery, and which he conceived belonged to the nation, he should feel it his duty to take the sense of the House upon it.

In reply to Mr. Griffith,

The CHANCELLOR of the EXCHEQUER said, the Decimal Coinage Commissioners had made their Report, and it had been laid on the table. It was of considerable size, and hon. Gentlemen who took an interest in the subject would, no doubt, derive great instruction from reading it.

Mr. WALPOLE said, that as a member of the Registration of Titles Commission, he wished to press upon the Government the propriety of considering during the recess whether they would not bring in some measure early in the next Session upon the subject. The Report being very voluminous, as well as involving very difficult questions, it required mature consideration, and it would be unreasonable to expect Her Majesty's Government to give any opinion upon it during the present Session; but feeling a deep interest in the subject, and believing it was highly important to the social interests of the country, he would feel it his duty, if the Government did not undertake it, to bring the whole subject under the consideration of Parliament at the commencement of the next Session.

Sir GEORGE GREY said, that he could conscientiously compliment the Commissioners on this result of their labours, and promised that their Report should receive very careful consideration.

Vote *agreed to.*

(9.) Motion made and Question proposed,

"That a sum, not exceeding £20,988, be granted to Her Majesty, to complete the sum required to defray the Fees, Salaries, Expenses, and Compensations, payable under the provisions of the Patent Law Amendment Act, to the 31st day of March, 1858."

Mr. MOWBRAY said, he would beg to ask for some explanation of this Vote.

Mr. WILSON said, the income derived from stamps on patents was £91,000, whereas the entire Vote was £27,988 so that there was a considerable balance paid into the Exchequer. An additional building was required and this Vote was necessary to provide it.

Mr. W. WILLIAMS expressed his astonishment that £9,900 should be divided as fees on patents between the Attorney and Solicitor General, making the salaries of those officers from this source alone nearly equal to the salaries of the Judges. It was said that a former Attorney General had made as much out of the profits in fees on patents as the three Lord Chief Justices received in salaries. There was besides in this Vote an item of £920 salaries to the clerks of the law officers of the Crown, making a total of £10,820. He was quite sure the Committee would not sanction such a waste of the public money, and he therefore moved the reduction of the Vote by one-half that amount—viz, £5,410.

Motion made and Question proposed,

"That a sum, not exceeding £15,578, be granted to Her Majesty, to complete the sum required to defray the Fees, Salaries, Expenses, and Compensations, payable under the provisions of the Patent Law Amendment Act, to the 31st day of March, 1858."

Sir JOHN TROLLOPE said, it appeared by a foot-note that the sums expected to be received would exceed the sum voted by £10,000, but that £10,000 was a direct tax on the inventive ingenuity of the country—upon men often in humble, or at all events in middle life, who could ill afford to pay such large duties.

Mr. WILSON remarked, that he thought it was rather hard upon the law officers of the Crown, who had voluntarily given up the most lucrative emoluments of their office for the purpose of carrying out an important amendment of the law, to be charged with extracting excessive fees from the ingenuity of the country. Formerly the law officers were entitled to a fee of £10 on each patent; but when the present Act was passed power was given to the Lord Chancellor to reduce the fees from time to time as he thought fit, and the fees had been reduced in four years from £10 to £3. Moreover, they formerly did nothing for the £10, but now for the £3 they had to examine every specification—a most onerous duty. These fees formed, in fact, the only salary which they received for their political offices. No doubt it was the intention of the Legislature that the fees should be fixed at such a point as would just cover the necessary expenditure, in granting patents, but it was very difficult exactly to hit that amount, and, owing to the low charges, the number of patents had greatly increased, and the fees also had increased very much beyond the expenses of the establishment.

MR. PEASE said, that he hoped the House would take an early opportunity of reviewing the patent laws. He knew from his own experience that they operated most injuriously on the inventive talent of the country. Clever men were compelled to sell their patent rights to rich speculators; and he knew of one instance where a hon. Member of that House had paid £35,000 for patents necessary in the prosecution of his business. He was convinced that an alteration of the law would give a great impetus to inventive genius in this country.

COLONEL SYKES said, he would still maintain, notwithstanding the ingenious answer of the hon. Gentleman the Secretary to the Treasury (Mr. Wilson), that these fees were a heavy tax on the inventive industry of the country, and that the law officers of the Crown were benefited without rendering adequate services.

MR. HENLEY said, he would be glad, when the Report was brought up, to hear an explanation of the item for printing these specifications. If they were sold, the sum received for them ought to recompense the Government for the expense of printing. He also wished to ask for an explanation of the item of £8,100 for "incidental expenses."

MR. WILSON observed, that he believed that a considerable portion of it had been spent in drawing and arranging plans and in printing specifications, which were now printed in full and sold to the public at very low prices. He would, however, make inquiry, and give a further explanation at a future time.

SIR HENRY WILLOUGHBY thought it would scarcely be fair to the law officers to reduce the Vote as proposed by the hon. Member for Lambeth. The Government ought to carry out the promise which they had made on a former occasion, to give the law officers a fixed salary in lieu of these emoluments, and then the question of fees could be properly considered.

MR. SPOONER asked how the £2,000 for the Kensington Museum, which appeared in the Vote, had been laid out, and what was the reason that Kensington had been chosen for the reception of the plan?

MR. WATKIN said, that great benefit was conferred on working-men throughout the country by the information published by the Patent-office. Inventors might now easily ascertain what had been done before them. While desirous of giving every scope to the inventive talent of the country, he did not think that patents ought to be made too cheap, or the greatest confusion would ensue. The proper course was to fix a moderate charge, not too great for the poor labouring man to meet.

MR. WILSON said, the £2,000 referred to had been expended in fitting up buildings.

SIR DENHAM NORREYS said, that these compensations were still a tax upon the inventive genius of the people, and he thought that the salaries of officials should not be paid in that manner.

MR. SPOONER observed, that the item of £2,000 was stated neither as an estimate nor an expenditure. Which was it? Again, he wished to know why so inconvenient a locality as Kensington had been selected for the exhibition?

MR. WILSON said, that the £2,000 had been expended, but £7,000 had been voted on account, and the expenditure was, therefore, authorized. The expenditure of £2,000 was in fitting up rooms.

MR. LYGON asked by whose advice Kensington had been selected?

Motion by leave *withdrawn.*

Original question again proposed.

MR. MOWBRAY said, he thought this expenditure of £2,000 was one not sanctioned by Parliament. It was like several others that had already come before the House during the present Session. He moved that the Vote be reduced by this sum of £2,000.

MR. WILSON said, that £7,000 were taken on account of this Vote as a whole, and it was impossible to say what particular part of the whole sum the £2,000 was.

MR. SPOONER said, he had distinctly asked, when the money was asked on account, whether any part of the sum was to be laid out at Kensington, and he was distinctly assured that no further sum was to be laid out there. Under these circumstances he thought the explanation of the hon. Gentleman the Secretary for the Treasury so unsatisfactory, that he should support the Amendment of his hon. Friend.

Motion made, and Question put,

"That a sum, not exceeding £18,988, be granted to Her Majesty, to complete the sum required to defray the Fees, Salaries, Expenses, and Compensations, payable under the provisions of the Patent Law Amendment Act, to the 31st day of March, 1858."

The Committee *divided*:—Ayes 73; Noes 156: Majority 83.

Original Question put and *agreed to.*

(10.) Motion made, and Question proposed,

"That a sum, not exceeding £8,843, be granted to Her Majesty, to complete the sum required to pay the Salaries and expenses of the Board of Fisheries in Scotland, to the 31st day of March, 1858."

MR. W. WILLIAMS said, that last year the Secretary for the Treasury stated that a Commission should issue upon this subject, but he (Mr. Williams) did not know whether that Commission had issued. This was the most extraordinary continuation of a waste of the public money, next to the Vote under the Patent Law Amendment Act, that he had ever heard of. He had received a letter from a gentleman in Scotland, in which it was stated that the Scotch fisheries were of great national importance, and distanced all foreign competition, and were the last resource of hundreds of poor Celts, who would otherwise be unable to command the means of paying their rent. So that this Vote was clearly for the benefit of the landlords of Scotland, as it enabled the men engaged in the herring fishery to pay their rents. Some of the poor districts paid these expenses themselves, whilst the large places did not. A general inspector at Leith received £310 a year, and a little further on he found that there was an officer at Leith receiving a salary. At Greenock there was an assistant inspector who was paid £160 10*s.* a year, and an officer £120 10*s.* a year. Glasgow had also got an officer. To vote the money of England and Ireland for a purpose of this kind was discreditable. As he had stated, these fisheries of Scotland were in the highest condition, and distanced all foreign fisheries, and it was therefore too bad to call on them to vote money for the support of a Board. He should feel it his duty to divide the Committee against the whole of this sum, except £2,160, which was necessary to pay pensions. He should move to reduce the Vote to that amount.

Motion made, and Question proposed,

"That a sum, not exceeding £2,160, be granted to Her Majesty, to complete the sum required to pay the Salaries and Expenses of the Board of Fisheries in Scotland, to the 31st day of March, 1858."

MR. WILSON said, the effect of the hon. Gentleman's Amendment would be to continue the pensions of persons who did no work, while he would leave without salaries persons who were performing important duties. He (Mr. Wilson) had stated last year that the Government would appoint a Commission to inquire into this expenditure. That promise had been fulfilled; a Commission had been appointed, and their Report was upon the table of the House. The Vote was placed in the Estimates this year, in consequence of representations made to the Government that there was an extensive trade in herrings with foreign States, that contracts had been entered into for the supply of herrings with the Government brand, and that if the power of the Board were not continued, such contracts would be voided. He (Mr. Wilson) hoped therefore that the Committee would pass the Vote this year on this assurance that it was the last time it would appear upon the Estimates in the present form.

SIR J. TRELAWNY said, that in Cornwall they had no brand. This support was nothing less than protection in disguise.

MR. WISE inquired why, by this Vote, the commander of the *Princess Royal* cutter was allowed £200, and the commander of Her Majesty's steam vessel *Jackal*, £100, in addition to their ordinary pay?

SIR GEORGE PECHELL remarked, that he had suggested some time ago that the allowance to which the hon. Gentleman referred was made to the gallant officers as a compensation for their not having been sent to the Black Sea, where they might have earned some distinction. He thought it a reflection upon the service to which he belonged, that its officers should be mixed up with a charge for branding herrings.

MR. BLACKBURN said, there had been plenty of time this year to have adopted one of the plans proposed by the Government. He suspected that they had been subjected to some pressure from the hon. Members for the northern boroughs. However, he would recommend the Committee to take the hon. Gentleman at his word.

MR. BLACK said, that he did not understand the hon. Gentleman to say that the Vote would be withdrawn next year, but that it would appear under another form.

SIR CHARLES WOOD stated, in reply to the question of Mr. Wise, that he was not aware of the circumstances under which the commanders of the *Princess Royal* and *Jackal* received the amounts included in the Vote. The

Princess Royal, he might observe, was not a vessel belonging to the Royal Navy; but he would make inquiry as to these items, and would answer the question of the hon. Gentleman on a future occasion.

MR. W. WILLIAMS said, that he would withdraw his Amendment in consideration of the distinct pledge he had received from the Government.

Motion, by leave, *withdrawn.*

Original Question put and *agreed to.*

House resumed; Resolutions to be *reported To-morrow;* Committee to sit again *To-morrow.*

ECCLESIASTICAL COMMISSION, &c., BILL.

COMMITTEE.

Order for Committee read.

SIR HENRY WILLOUGHBY said, that he thought that the Secretary of State for the Home Department should have explained the provisions of this Bill which had come out of the Select Committee to which it had been referred quite a new Bill. It contained some very novel proposals. As he understood, it was intended to transfer to the Ecclesiastical Commissioners all the property of the archbishops and bishops, and then to hand back to them sufficient land to produce a certain income. This must be attended with the greatest difficulty, and would lead to endless jobbery.

SIR GEORGE GREY said, the Bill was founded almost exclusively upon the recommendation of a Select Committee which sat upon this subject in 1856. It was referred with a similar Bill, prepared by the late noble Member for Woodstock (Marquess of Blandford), to another Committee. The difference between the two Bills was, that whereas the Bill now before the House was founded exclusively on the Report of that Committee, and related only to episcopal incomes, the Bill of the noble Marquess extended the same provisions to the incomes of deans and chapters. The object of the present Bill was to provide a better means than now existed for carrying out the intentions of Parliament in giving a fixed income to bishops and archbishops. It would vest a sufficient estate in them to secure them that income as nearly as possible. He thought that this was the best arrangement that could be made, particularly looking to the security of the episcopal incomes. It also contained provisions with respect to the accounts to be rendered by deans and chapters to the Ecclesiastical Commissioners, and laid down certain terms on which lands held on Church leases might be enfranchised. He believed it would be a great disappointment to the lessees if the measure did not pass this Session.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3.

MR. WALPOLE said, he should propose to insert words for the purpose of giving the bishops and archbishops a voice in the re-transfer of the estates which it was proposed to vest in them.

MR. HENLEY wished to know on what principle the estates to be vested in the right rev. Prelates were to be assigned to them?

MR. WALPOLE said, that the Committee desired to secure the bishops' estates equal in value to the income intended to be secured by Act of Parliament. The best answer he could give to his right hon. Friend was by referring to a case which had just occurred. An estate belonging to the Chapter of York was about to be re-transferred to them. The Commissioners and their agents had considered the valuation of the estates, had made the proper deductions on account of collection and payment with the concurrence of the Chapter of York, and had ascertained the kind of estate that should be transferred, yielding the statutory income intended by Parliament. A similar principle would be pursued in future with respect to episcopal incomes.

Amendment *agreed to.*

MR. HENLEY remarked, that he did not think his right hon. Friend had given any answer to his question. He had received no explanation how a fixed net income was to be secured to the bishops. It was quite possible that while a long-headed bishop might in the course of these arrangements get land worth £7,000 a year, another of a different kind would only get such as would yield £3000. Then would come fresh applications to Parliament, and the question would once more be unsettled.

MR. AYRTON objected to the whole plan embodied in the Bill, because it would permanently fix the revenues of the bishops —or rather it would fix a minimum; for while it was certain that the value of the land to be assigned to them would not diminish, there was every prospect that it would greatly increase in the course of twenty or thirty years. The clause amounted to nothing more or less than a reversion to the old system, to upset which the Ecclesiastical Commission had been established. Bishops would continue to hold their estates in perpetuity, and to receive incomes out of all proportion to their position; though he would admit that the arrangement would have been less objectionable if the estates were granted to the bishops for life only, so that on the death of each incumbent the whole question of the income attached to the see would have been thrown open for revision. He had, however, so strong an objection to the clause, that he intended to take the sense of the House against it.

Sir GEORGE GREY observed, that it was impossible to say what the estates would produce twenty or thirty years hence. At the same time, he had no doubt the Commissioners would avail themselves of all the sources of information within their reach, and would take care that the estates would exactly produce the statutory incomes. He did not think that those incomes would be liable to much variation, because express provision was made by a subsequent clause for building, mining, and improving leases. Another appeal to Parliament might be necessary in the event of any considerable change in the value of the property; but in the meantime he thought that the arrangement now proposed was upon the whole satisfactory and as well guarded as it could well be.

Sir EDWARD BUXTON said, it was desirable that the incomes of the bishops should be in estates rather than in money; but in the event of an increase in the value of the land some provision ought to be made for a periodical revision.

Mr. GREER observed, that he thought that the arrangement should not go beyond the life of the incumbent of the bishopric for the time being. It was now too late to propose an Amendment to that effect, therefore he should be compelled to divide against the clause, unless he received the assurance that it might be amended upon the bringing up of the Report.

Sir GEORGE GREY stated, that by agreeing to the clause now the hon. Gentleman would not be precluded from moving an Amendment at a subsequent stage.

Mr. PEASE said, he did not question the propriety of putting the incomes of the bishops on a right and solid basis, but as an humble individual, he must express his deep regret that a large quantity of the land of the country would still continue to be held in a manner eminently opposed to its proper cultivation and improvement. Such at all events would be the result in the county of Durham, which he had the honour to represent—for their experience there was quite opposed to such an arrangement.

Mr. LYGON said, he wished to ask the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) the exact meaning of the third clause. He also thought some arrangement ought to be made for providing retiring allowances to bishops.

Mr. MOWBRAY said, he would merely observe that at present the Ecclesiastical Commissioners were in possession of very large landed estates within the see of Durham. Now he quite agreed with the hon. Gentleman (Mr. Pease) that a very strong feeling existed in that county against such a tenure. The very object of the present Bill was to render the possession of the Commissioners only transitory, their object being, in the first instance, to ascertain what proportion of the property should be assigned for the income of the bishops, and then, as he hoped, they would have the good sense to sell the remainder of the land and resign their functions.

Mr. KINNAIRD said, he would also urge the necessity of a periodical revision.

Lord JOHN MANNERS remarked, that he could not understand that an estate of £5000 a year could be better managed by a Commission than by a bishop with an agent.

Mr. RIDLEY said, he was also in favour of a revision, so that a bishop might not have more than his statutable income.

Sir GEORGE GREY said, the question of a revision could be considered upon a subsequent clause to be brought up.

Mr. HENLEY said, he wished to know if land belonging to a particular bishop did not produce £5000 a year, were the Commissioners to appropriate land to make up the amount?

Mr. WALPOLE said, the Commissioners would have power to sell lands, and with the produce to purchase other lands. It would be impossible to fix any definite time for the sales.

Motion made and Question put, "That the Clause as amended stand part of the Bill."

The Committee *divided*:—Ayes, 103; Noes, 36: Majority, 67.

Clause *agreed to.*

Clause 4.

MR. COX moved that the Chairman do report progress. It was now twenty minutes past one o'clock, and yet they were only on the second order of the day. There were twenty-four other orders to get through at this time of night; and it was only fair that the progress of this Bill should give place to other measures, about which there might be less difference of opinion.

MR. WALPOLE said, the next two or three clauses were more or less connected with the machinery or working of the clauses already passed. Clauses 7 and 8 might provoke discussion, but he appealed to the hon. Member for Finsbury to allow the Committee to get so far before they reported progress.

Motion *negatived.*

Clause *agreed to,* as were also Clauses 5 and 6.

House resumed; Committee report progress; to sit again *To-morrow.*

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, July 24, 1857.

MINUTES.] *Took the Oaths.*—The Viscount de Vesci.

PUBLIC BILLS.—1ª Turnpike Acts Continuance; Banking; Bankruptcy and Insolvency (Ireland).

2° Crown, &c. Suits (Scotland); Bill Chamber (Scotland); Bankruptcy and Real Securities (Scotland).

PUBLIC BUSINESS—QUESTION.

THE EARL OF DERBY wished to put a question to his noble Friend the Chairman of Committees (Lord Redesdale), with regard to the Resolution which he had moved last year, and which had been adopted by the House, fixing a particular day after which the House would not proceed to the consideration of any public Bill. He could quite understand his noble Friend's motives for refraining from bringing forward the same Motion this year, in consequence of the late period at which the present Session commenced, but he thought they had now reached a period of the Session when it would be very agreeable to noble Lords to know really how much more work they had to do. This was the 24th of July, and he did not think it unreasonable, therefore, to ask his noble Friend if he was disposed now to move such a Resolution, which would, he hoped, in that case be supported by Her Majesty's Government.

LORD REDESDALE said, it was quite true that for the reason stated by the noble Earl he had not thought it expedient, considering that the Session had commenced in May, to move a Resolution fixing a day beyond which the House would not read any public Bill a second time. At the same time, he must say, that what had occurred satisfied him more and more that, had such a restriction been imposed even in the present Session, public business would have been in a more advanced state in the other House of Parliament. He would, however, leave the matter entirely in their Lordships' hands: unless strongly urged, he should not take upon himself to move a Resolution to this effect, though it would, he believed, tend much to expedite business and be much more satisfactory to all their Lordships.

THE EARL OF MALMESBURY thought the subject was one which required the notice of Her Majesty's Government. It was, in fact, a most important subject; and therefore, though a great deal of power to deal with it lay in the hands of the House, he was of opinion that their Lordships had a right to look to the Government for some direction in the matter.

EARL GRANVILLE was understood to say that the Government had been in communication with the noble Lord (Lord Redesdale) on the subject; and were of opinion that the noble Lord had acted very wisely in not attempting to limit the time at which they would receive Bills from the other House. He did not think that in the present state of business before Parliament it would be wise to pass such a Resolution.

THE EARL OF DERBY said, he should very much regret if their Lordships allowed this Session to pass over without adhering to the principle of fixing some day after which Bills coming from the other House could not be proceeded with, and he still hoped that Her Majesty's Government would take into consideration the fixing of such a day. The Government could easily ascertain how much business they intended to bring before Parliament. Unless they restrained to a certain extent the bringing in of new Bills, he should think, looking at the number of Bills before the House of Commons, that it would be necessary to prolong the Session till October.

METROPOLITAN TOLL GATES.

QUESTION.

Lord RAVENSWORTH, in rising to put a question to the President of the Council with respect to the toll-gates within the six mile radius north of the Thames, said that they were a great public inconvenience. It was only thirty years since every approach to the metropolis was a turnpike road; but by the exertions of the Government of that day, and especially, he believed, by the energies of the noble Earl behind him (the Earl of Lonsdale), who was then Chief Commissioner of the Board of Works, many of the turnpikes were removed. He understood that all the principal metropolitan toll-gates were contracted for by a gentleman of the Hebrew persuasion of the appropriate name of Levy, who had for a certain sum provided the funds for maintaining the toll-gates and paying the wages of the toll-gate keepers. He was fully aware of the difficulty of putting an end to the levying of these tolls, but as the matter was much mooted out of doors, and the tolls were felt to be very burdensome, he hoped that Her Majesty's Government would make some attempt to relieve the public from them. He understood that a deputation had actually waited upon the noble Lord at the head of the Government to remonstrate in strong terms on the continuance of those tolls which had been left unassailed by the noble Earl behind him. He begged, at the same time, to observe, that he was opposed to the abolition of the tolls by means of an additional rate to purchase the fee simple of them, because he found that the rates of the metropolitan districts were already exceedingly heavy, the ratepayers in the parish of Fulham for instance, having to pay rates to the extent of 9*s.* in the pound. He begged to ask whether Her Majesty's Government had considered the application made to the First Lord of the Treasury on the 20th of May last by a deputation from parties calling themselves the Toll Reform Committee, who prayed that Her Majesty's Government would introduce a measure for an early removal of the toll-gates within the six-mile radius north of the Thames, and now under the control of the Metropolis Road Commissioners, and whether the noble Earl the Lord President of the Council could give any assurance that so desirable a measure was in course of preparation?

Earl GRANVILLE said, there could be no doubt that it would be a very desirable thing to accomplish the object which the deputation had in view. The successful exertions of the noble Earl opposite (the Earl of Lonsdale) for several years to diminish the evil complained of, entitled him to the greatest credit. The difficulties, however, since that improvement had been effected had been increased rather than diminished. At the same time he must admit that the subject deserved attention, but it was now too late in the Session to propose any measure respecting it. His right hon. Friend the Home Secretary would take it into his consideration during the recess, and put himself in communication with the Metropolis Road Commissioners with the view of taking, if possible, some steps with regard to it.

After a few words from the Earl of Lonsdale and Lord Brougham,

Subject dropped.

MONUMENT TO LORD RAGLAN.

QUESTION.

Earl FORTESCUE rose, pursuant to notice, to inquire whether it is the intention of Her Majesty's Government to erect a Monument to the late Lord Raglan? and said, my Lords, I wish to state as shortly as possible the reasons which impel me to ask this question, and the grounds which induce me to hope that my noble Friend the Secretary for War, if he should not feel it inconsistent with his duty to answer me at this moment in the affirmative, will at least be prepared to say that my suggestion is received by the Government in a friendly and favourable spirit as a matter for future consideration. Above eighteen months have now elapsed since the close of the war, and the last of those distinctions which have been fitly described as "the choicest and chariest prizes of the war," were a short time since bestowed by the hand of the Sovereign upon their fortunate possessors. The events of the war henceforth belong to the province of the historian, and, in briefly alluding to some of those events which have an important bearing on the conduct and character of the late Lord Raglan, I shall confine myself strictly to what rests upon incontestable authority, and shall call in question as little as possible the conduct of other parties.

The expedition to the Crimea was determined upon jointly by the Governments of France and of England as early as July,

1854. Circumstances, however, occurred to delay its execution till the September of that year. But on the 8th of that month, when the troops were actually on their way for the Crimea, doubts and difficulties arose in the minds of some of the French generals which made it questionable, even then, whether the expedition would be conducted to the place for which it was at first designed; and it required all the energy, all the address, and all the influence which Lord Raglan possessed in the Councils of our Allies, to induce them to adhere to the destination originally selected. That influence happily prevailed. The landing at the point suggested by Lord Raglan was effected without the loss of a single boat or a single man, and was shortly followed by the expulsion of the Russian troops from the heights above the Alma in little more than as many hours as they had expected to hold them weeks against any force with which we could assail them. It is well known that immediately after that victory Lord Raglan strongly urged the pursuit of the enemy, and it has been admitted by the Russians themselves that had that bold counsel been acted upon Sebastopol would have been ours in a few days, and all the distress and privation endured by our army during the ensuing winter would have been spared. And here let me say, with reference to the sufferings of our army, that in my humble opinion the British public and the British press were somewhat unjust in the amount of censure they cast upon all those who, abroad and at home, were connected with the Crimean expedition for not having taken beforehand all the measures which were necessary for the comfort and convenience of our troops while passing that winter before Sebastopol. It will be recollected that the expedition was undertaken with the full, I might almost say, with the enthusiastic assent of all parties in this country; and it was confidently anticipated that Sebastopol would fall within a few weeks after the siege was commenced. On two or three separate occasions reports were circulated and currently believed in England and in France that Sebastopol wss actually in our hands. It is no part of my business to justify all that was done or all that was omitted to be done in this campaign; but with the expectations generally entertained by the public as to the issue of the enterprise, and which there is every reason to suppose would have been realized had Lord Raglan's advice been followed in the first instance, I do not think the British people would have viewed with complacency the incurring of any large expense in the early preparation of winter accommodation which they believed would never be wanted. To return, however, to the events of the campaign. After the battle of Inkermann similar advice was given by Lord Raglan to that which he had given after the battle of the Alma, and which, like that, was unfortunately rejected, with respect to the pursuit of the disordered masses of the Russian army, and I understand that the gallant and high-minded officer who succeeded Marshal St. Arnaud in command of the French army, has unhesitatingly acknowledged that, in not following the counsel of Lord Raglan on that occasion, he committed a grave error and lost a great opportunity. I will touch lightly on the expedition to Kertch. The plan originated with Lord Raglan; its execution was delayed, it was abandoned at the eleventh hour, after the British contingent was actually embarked. It was again resumed three weeks afterwards, and carried out with an amount of success which left nothing to be regretted except that it had not been undertaken before. I now approach with more pain the last of the instances in which the plan agreed upon between Lord Raglan and the French generals was altered at the eleventh hour—in which on the 18th of June, that bombardment with which Lord Raglan proposed to preface the assault upon Sebastopol was given up, and the hour of the attack altered under circumstances which led him to apprehend that failure that cost him some of the flower of his army—because it must be remembered that the bravest and best are generally among the first who fall on such occasions. The distress and vexation caused to Lord Raglan by this unhappy failure so preyed upon his mind as, if we are not much misinformed, to have sown the seeds of that malady which within ten short days afterwards brought him to his grave.

But from this sad event I turn with more satisfaction to the page of history which will record the personal qualifications of Lord Raglan. The historian will note, I am sure, with patriotic pride, that calm and imperturbable gallantry in the field described by Marshal St. Arnaud —no mean judge of the military qualities of a general—as worthy of the heroic ages of antiquity, and that rarer quality of cheerful fortitude amid reverses and distresses which was said to "throw the spell of his undaunted spirit on all around him," and these combined with a frank courtesy of manner that won their hearts and affections, as his manly sense convinced their understandings. Nor will the historian omit to notice his constant exertions to promote the comfort and alleviate the sufferings of his soldiers, or the enthusiastic affection with which he was received by those devoted soldiers upon every occasion when he was recognised by any portion of them during his frequent but unostentatious visits by day or by night to their camps or their quarters. It is not extraordinary that Lord Raglan, with his singular modesty of mind, should not have valued himself upon what he regarded as the common attributes of a soldier or among the simplest merits of a commander. But it may be asked why a man of his energy and promptitude never thought to justify himself from the charges which were brought against him of slowness and inaction? I reply, that Lord Raglan, though he freely expressed his views and his disappointments in the intimacy of his private correspondence, never suffered a line to go forth to the public which would convey an idea of any difference of opinion between himself and the French Commander, because, in the true spirit of a patriot and a hero, he preferred taking the blame of errors and shortcomings not his own to risking for a moment the interruption of that cordiality between the allied armies which he held to be the first thing needful for the success of the common cause.

These are the grounds, my Lords, upon which I ask Her Majesty's Government whether it is their intention to confer upon Lord Raglan that distinction which has been conferred upon other commanders who have died in the service of their country. Shall I be told by my noble Friend that, with the exceptions of Lord Heathfield and the Duke of Wellington, no public monument has ever been erected to any general officer who has not been killed in the field? My Lords, if my noble Friend can find me a precedent of a general in command of an army who, within six months after his appointment, and within three months after the departure of an expedition under his command, won two of the greatest battles on record—battles of such importance as entitled him, at the end of the second, to receive that highest step in the military service which was not accorded to the Duke of Wellington until after the battle of Vittoria, in the fifth year of his glorious campaigns—if my noble Friend can show me any such precedent, I will admit the force of his objection. Although Lord Raglan did not fall by the bullet or the steel of an enemy, he may be said to have died at the head of his army, in the full performance of his laborious duties up to within forty-eight hours of his death, for the last despatch that he wrote was dated on the 26th of June. The manner of his death has been described by the pen of one who was the constant associate of his labours in the field and at the desk, and the sorrowing witness of their close—

> "Toiling always from the early morning, and continuing his labours deep into the night, and bearing in his own noble way those cares and sorrows which fall to the lot of a British commander in the field, he sank and died in the midst of us all at head-quarters before his great task was done; but if there was glory for the allies in the fall of Sebastopol, it will sooner or later be seen and understood, and be thenceforth remembered, that that great result was prepared by the audacity of the original invasion and the enduring heroism of the winter campaign; and the more the singular history of those transactions shall become known, the greater will be the pride with which our countrymen will cherish Lord Raglan's fame."

My Lords, these are the words of Sir Richard Airey in his noble vindication of his chief before the Board of General Officers at Chelsea, and I will not weaken their effect by another word of my own. I will only say that in what I have spoken I have not been actuated by any feeling of personal friendship, because my acquaintance with Lord Raglan was but slight. But, as an humble Member of your Lordships' House, and also as an humble member of that great British public which, although it may sometimes be misled as to the merits of its best servants, always desires to do justice to those who, like Lord Raglan, have raised high the glory of the British army under difficult and adverse circumstances, and whose whole life was an ornament to the profession to which he belonged and to the country which he served, I beg to ask whether it is the intention of Her Majesty's Government, or whether they will be prepared at a more favourable time, to consider the question of erecting a public monument to the late Lord Raglan?

LORD PANMURE: My Lords, I have listened with the greatest satisfaction to the tribute which my noble Friend has thought it right to pay to the merits of Lord Raglan. And he must not suppose, and I trust your Lordships will not suppose, that because Her Majesty's Government have not proposed to the other House of Parliament a vote for a marble monument to his memory, it is because they undervalue the services he rendered to the country, or from any feeling that those services were not attended with great and beneficial results to this country. I will not follow my noble Friend through all the history upon which he has entered, and all the justifications that he has thought it necessary to make in reference to Lord Raglan's military services. I think, my Lords, you will not say that the public of this country failed to express their opinion upon the unhappy death of the gallant General. The public have marked their sense of his great actions by expressing in both Houses of Parliament their testimony of those actions, in according to his family the means of sustaining the honour of the peerage. This, my Lords, was no mere matter of pounds, shillings, and pence. I look upon it as a public testimony to the public services of Lord Raglan, and in that spirit alone it was proposed. With regard to public monuments, however, a Government is compelled to be cautious how they distribute those honours. I believe that in the military history of our country, with the exceptions my noble Friend has pointed out, every public monument on the walls, either of the cathedral in the city of London or of the minster in this city, has been dedicated to military commanders who have fallen in the execution of their duty. I cannot trace a soldier who has a monument, with the exception of Lord Heathfield, who did not die before the enemy, or of wounds received in battle. But what, my Lords, were the actions of Lord Heathfield? He defended and maintained against an overwhelming force that great fortress which is the brightest jewel of the British Crown—the fortress of Gibraltar. But, my Lords, Lord Raglan will not be without a monument; Parliament has voted a large sum of money—nearly £20,000—for the purpose of raising in the land rendered glorious by their gallant actions a monument dedicated to the memory of all Her Majesty's soldiers, sailors, and marines who fell in the Crimea. The most conspicuous object as one approaches Constantinople will be that monument raised by England in honour of her sons, and the first name that will be inscribed upon that monument will be the name of Lord Raglan, in association with those of his gallant comrades in arms who perished in the late war. In making this statement in answer to the question of my noble Friend, I do not mean to say that the Government may not at some future period entertain the subject of erecting a memorial to Lord Raglan in this country. But a monument, whether erected in honour of a statesman or a warrior, should be erected in obedience to the opinion and approbation of the whole community; and in order that these memorials should be valued they must be rendered to the highest services which a soldier or a statesman can perform.

LORD BROUGHAM said: If, my Lords, private feelings had the only or the chief place in this discussion, my sorrow for the loss we have sustained must have imposed silence upon me; or even if his most amiable personal qualities were alone in question, the gentlest nature in its accustomed alliance with the most brilliant valour; or his signal merits and invaluable services in subordinate stations, from the time when, in early life, he was, to the wonder of his young contemporaries, selected by the unerring sagacity of the great Captain whose loss we hourly deplore, whithersoever we direct our eye, at home or abroad, to Europe or to Asia,—who attached him to his person and gave him his entire confidence to the end of his illustrious life, and who, had he fortunately been spared, would this day have been performing with the resistless weight of his authority that duty, not to the memory of his cherished friend, but to his army and his country yet more cherished —that duty which we are now feebly attempting to discharge. Were we even confined to those parts of Lord Raglan's career, we should find ample ground for the eulogy which my noble friend (Lord Fortescue) has pronounced. But it is in another and a higher capacity that we must view his services and his merits upon the present occasion. We are called upon to regard him as occupying the position of first in command of, perhaps, the most arduous enterprise committed to any expedition that ever left our shores; when, under the pressure of difficulties all but overwhelming, and of all kinds, he led our troops, and the troops of our gallant Allies with whom his kindly nature, tempering not relaxing his firmness of purpose, maintained uninterrupted and cordial friendship —led them to the achievement of a victory for which, in some respects, a parallel cannot be found even in the proud military annals of our country. But before the great fight, and as leading to it, we must accord the tribute of our unstinted praise to that mighty operation, the joint movement of our naval and military forces, the landing of both armies on the shores of the Crimea, which the most experienced judges, whether of the land or the sea service, declare to be a feat all but unparalleled. That movement, at the most critical juncture, we owed to the firmness and wisdom of Lord Raglan, though its successful execution redounded to the honour of the Naval as well as the Military Commander. Marshal St. Arnaud, whom it is impossible to name without expressing sorrow for his loss and admiration of his valour, stricken with the malady which soon after proved mortal, withheld at first his assent to the operation; but, pressed by the reasons which Lord Raglan urged with his wonted firmness and kindly forbearance combined, the Marshal yielded with equal wisdom and candour. The landing was at once effected without the loss of a man or a boat, and the battle of the Alma was fought. Had our own Commander's advice been followed, eight-and-forty hours after that glorious day would have seen us in possession of Sebastopol. I state this not as wise or well-informed after the event, but upon unquestionable evidence—the confession of the enemy himself. Instead of this happy consummation, came the famous march which conferred the highest honour upon the Commander's genius in war, but unhappily only led to new victories fruitful of glory and barren of immediate results. Hostilities were prolonged, and loss of men incurred from the unfortunate errors acknowledged to have been committed in disregarding his counsels. To the climate, but much more to the cruel disappointment of his hopes deferred, he fell a victim, though he died almost in sight of complete success. That triumphant conclusion of his labours, though thus delayed, finally arrived; and by his deeds, and his counsels, and his sacrifice, we have won trophies that added, if anything could add, new lustre to the armies of England. And shall we refuse to commemorate acts like these? Shall we begrudge—I speak of a sacrifice not to economy, but to the servile following of precedents on which my noble friend (Lord Panmure) would seem to rely—shall we scruple to raise a monument which, I venture to assert, the opinion and the feeling of the country not only accept but demand on behalf of this great Commander? There wants, I am well aware, no memorial to hand down such deeds through after ages. Of illustrious men, said an ancient orator, the whole earth, the world itself, is the monument. Yet let us yield to the prejudice of local association, so powerful with the bulk of mankind, and in the ordinary manner record his name among the names of our greatest warriors, while we feel how superfluous is any attempt to perpetuate his imperishable renown. This let us do, not for his sake but our own, that we may thus encourage others to follow his bright example.

THE EARL OF DERBY: As no Motion has been made upon this occasion, it may, perhaps, be deemed irregular to enter into a discussion with reference to the subject under our consideration. I cannot, however, my Lords, resist the impulse which prompts me to pay the fervent tribute of my admiration to great and singular merits such as those by which Lord Raglan was characterized, and at the same time to express my great regret at the answer which has been given upon the part of Her Majesty's Ministers to the question which has been put to them by my noble Friend opposite. I cannot help thinking that my noble Friend in introducing the subject to our notice, dwelt rather more exclusively than was necessary upon the expedition to the Crimea as conferring upon Lord Raglan a claim to public gratitude. His claims to that gratitude occupy, in my opinion, a much wider field. I believe there is in history scarcely any record of a public man—I hardly except the Duke of Wellington—who for so long a time devoted his unwearied energies and his great talents in the highest and most important offices to the military service of his country as Lord Raglan. But distinguished as were the merits displayed by Lord Raglan in the Crimea, and valuable as were his services, these were not more distinguished than was his conduct considering the position which he occupied in this country, considering his time of life, in undertaking the arduous and difficult duty of commanding the expedition to the East. Well, my Lords, the noble Lord has given what I must consider a direct refusal to accede to the request of the noble Earl to erect a monument to Lord Raglan. It is not altogether, indeed, a refusal, because, after stating all the reasons why Her Majesty's Government could not accede to the request, he added that he begged that what he had stated might not be considered an absolute decision upon the part of the Government, for that they would at some more convenient or suitable season take the matter into their consideration.

LORD PANMURE: The noble Earl is putting into my mouth words which I never used. Those were the words used in the Question of the noble Earl (Earl Fortescue), but they were not used by me.

THE EARL OF DERBY: Well, then, a more favourable opportunity.

LORD PANMURE: I did not use that expression.

THE EARL OF DERBY: I hope the noble Lord will pardon me, but I certainly understood him to use that expression; but if he now disclaims it—

LORD PANMURE: I do not disclaim the expression—I utterly deny having ever used it.

THE EARL OF DERBY: Well, then, my ears deceived me, for I certainly thought that I heard the noble Lord say that at a more favourable season the Government would take the matter into consideration; and if I am not much mistaken, the error which I committed was committed by many who sit near me; for I believe that more than one noble Lord was under the same opinion as myself, that the noble Baron did say that the Government would at a more favourable season take the matter into their consideration

LORD PANMURE: I again utterly deny that I used those words, and I am surprised that the noble Earl will not accept from a gentleman a denial such as I have already given, for I have already said that I never used those words.

THE EARL OF DERBY: The noble Lord is making a very unnecessary display of temper, for I have accepted his denial, and stated that my ears deceived me.

EARL FORTESCUE: Probably the noble Earl has misunderstood what fell from myself, and that which was stated by my noble Friend. The Question which I asked was, whether it was the intention of Her Majesty's Government, or whether they would be prepared at a more favourable time, to consider the question of erecting a public monument to the late Lord Raglan?

THE EARL OF DERBY: Certainly that was the question of the noble Earl; but, while I accept the denial of the noble Lord, I can only say that my ears deceived me; for I thought that I heard the noble Baron adopt the words "a more favourable period," in his reply. Of course I accept the denial of the noble Baron, but, unless I am greatly mistaken, many noble Lords were of the same opinion as myself. The noble Lord has founded his refusal to accede to the proposal of the noble Earl upon two grounds. First of all, he said that it was not customary to give a monument to any officers who had not distinguished themselves by great and signal services to their country; and in the next place, he stated that it was not customary to erect a monument to any military officer who had not actually fallen in battle or died from the effect of his wounds. Now, my Lords, with regard to the first point I am not willing to draw the inference which can naturally be drawn from that statement. I will not admit that Lord Raglan has not deserved a monument because he has not rendered the greatest and most signal services to his country. I believe that his devotion to the public service, his great talents, the many admirable qualities which he displayed both as a soldier and as a civilian, his long services in the Peninsula, his services at Waterloo, his twenty-five years' service at the Horse Guards, his ready acceptance of the arduous duty of commanding the expedition to the Crimea, his many struggles against almost overwhelming difficulties—difficulties under which any ordinary man would have sunk—the confidence with which he inspired not only his own troops, but those who were associated with them, the general esteem in which he was held by all, as we know upon the universal testimony of every man who held high command under him in the Crimea, the services he rendered to the common cause, his eminent military services,—all these entitle him to be placed in that category of men upon whom monuments ought to be conferred—those, namely, who have conferred great and signal services on their country. Then again, with regard to the second point advanced by the noble Lord, that it was not customary to confer a monument upon a naval or military commander unless he fell in battle or died of wounds——[Lord PANMURE did not say naval officer.] But, surely, the expression "military" in this sense includes officers of both services, and there are many instances in which officers in the military service of the country have deserved well of the country, and have had a monument erected to their memory although they have not fallen in battle or died of wounds. Lord Collingwood did not die in battle or of wounds, but a monument was erected to his memory. Lord St. Vincent was treated similarly, and I am not quite sure, but I think that Lord Cornwallis had a monument erected to him also. Historically, therefore, the objection of the noble Lord is not a valid one. But I go still further, and I say that if there ever was a man of whom it could be said he died in the service of his country, Lord Raglan was that man. He did not fall in battle; his death was a more wasting and painful one; but as much as any man ever did he died through devotion to his country and from efforts made in her cause. The noble Lord has referred to the services of Lord Raglan being recognized by his name standing first in a memorial to be erected to the memory of those who fell in the war. I, my Lords, cannot accept that as a sufficient recognition of his services. I cannot say that, in a monument raised to the memory of all those brave men who fell in the campaign, the single fact of his name appearing first is a sufficient testimony of the gratitude which this country ought to feel, and which I believe it does feel, for the conduct and the merit of the Commander in Chief. I should like to know, my Lords, when will be the time more favourable for the Government to consider this proposal than the present? It is now more than two years since the death of Lord Raglan. In the course of those two years have Her Majesty's Ministers been unable to make up their minds as to whether the character and services of Lord Raglan were deserving or undeserving of a statue; or is it that the Government are waiting to see what pressure may be put upon them by the public before they give effect to the wishes of the Crown, and I believe the wishes of the people? I confess, my Lords, that I was sorry when I heard that the noble Earl had given notice of bringing this question before your Lordships. I was sorry because I felt, that if the Government accepted his proposal a great degree of grace would be taken from the Crown and imputed to Her Majesty's Ministers; while, on the other hand, if they refused to accede to it, then a slight would be cast upon the memory of Lord Raglan, in addition to those undeserved obloquies which when he was absent were cast upon him in his lifetime

The Earl of Derby

by some. My Lords, there is no question before the House, and I am aware that I have been irregular in making these observations; but I felt it to be impossible for me not to express the deep regret with which I heard the doubt expressed—the more than doubt implied by the Government—as to the merits of Lord Raglan being deserving of a monument to his memory.

EARL GRANVILLE: I do not rise to prolong a discussion the tone of portions of which has been that which I much regret. The noble Earl has accused my noble Friend (Lord Panmure) of making an unnecessary display of temper. I saw no such display, and I do not think it unnatural that my noble Friend should object to words being placed in his mouth which he did not believe he had used. I do not rise, I repeat, to prolong this discussion; but merely to say, that I object to the invidious turn attempted to be given to the sentiments expressed by the noble Baron; and that on behalf of my self and my colleagues, having carefully noted every word which has fallen from the noble Earl in praise of Lord Raglan, we agree in every word of that praise. But at the same time we do not feel called upon at once to make a declaration as to whether we shall propose the erection of a monument to his memory, without reference to other circumstances than his admirable qualities, and the noble manner in which he always discharged his duties. The noble Earl has twitted the Government with waiting to see how far public opinion may turn in this direction. Now, I utterly deny that such is the case; but at the same time I think that we ought to consider in a question like this other subjects besides the great qualities of Lord Raglan. We must, for one thing, consider the feelings of his relatives, and also whether it would be desirable for his own reputation, and for the good of those interested in that reputation, to take a step which we were not entirely certain would meet with the full concurrence of the nation. I do not say that such would not be the case, but what I say is that, for the interest of the reputation of Lord Raglan, such a step as proposing a monument to his memory ought not to be taken without a perfect certainty of that concurrence, for unquestionably the value of such a memorial would be greatly diminished if it were only agreed to after many objections had been raised to it. I will now only add that in every eulogium passed by the noble Earl upon Lord Raglan I most cordially and heartily concur.

THE DUKE OF BEAUFORT.—I must confess, my Lords, that I have heard with great pleasure the last words of the noble Earl with reference to my noble relative, for during the time that the noble Lord the Secretary for War was addressing the House he never said one single word in praise of that great man who carried out to his best endeavour the orders he received from the noble Lord. In adopting that course, however, the noble Lord has only performed the crowning act of his treatment of my gallant relative, for during his lifetime Lord Raglan was treated by the noble Lord in a manner which very few men would have had the temper to put up with, and now the noble Lord takes this opportunity of, by his silence, disparaging his memory. [Lord PANMURE made a gesture of dissent.] The noble Lord shook his head, but it seemed to him (the Duke of Beaufort), that the last sentence of his speech warranted this expression.

BRITISH GUIANA—PETITION.

THE MARQUESS OF CLANRICARDE *presented* a petition from British Guiana, praying for the removal of certain impediments to the importation of free labourers into that colony. The noble Marquess stated that this colony had an area of no less than 70,000 square miles, or 50,000,000 of acres, every one of which was of the greatest fertility, and as capable of producing tropical crops as any part of the world. It was a reproach to us that, instead of increasing, the amount of its production was diminished. The reason of which was the want of labour, and the petition which he now had the honour to present complained of certain restrictions and provisions which prevented the immigration of free labourers into that colony. He rested his support of the petition, the prayer of which was for a relaxation of these restrictions, upon two most important grounds—one, the importance and necessity of discouraging the slave trade; and the other, the advantages which would be derived by the colony and by the mother country, from the increase of free labour in Guiana. The question was, from what quarter was free labour to be obtained? At present the state of Africa, the transactions in which other countries were engaged there, and the discussions in which Her Majesty's Government were engaged, rendered it impossible that we should seek to obtain free emigration from that country without indirectly encouraging the slave trade. This was fully recognized by the petitioners; but, at the same time, to say that it would always, or even for many years, be impossible to obtain a supply of labour from its overflow in Africa, would be to exclude that country from the benefit of one great element of civilization. During the great debates upon the slavery question the great argument for its abolition was that sugar and other commodities could be produced in the colonies more cheaply by free labour than by slave labour. He had heard with great regret the statement made by the noble and learned Lord (Lord Brougham) as to the imperfect success which had attended the struggles in which he and those with whom he was so honourably associated had been engaged to put an end to slavery. Despite their struggles, the slave trade was now far from being extinct. Within the last year it was carried on to a great extent, and until we showed that we could compete with it by means of an adequate supply of free labour, it would continue. To show how necessary it was that Parliament and the Government should be sincere and active in assisting the colonists in this matter, he would state that in 1831 the British West Indian colonies, then cultivated by slave labour, produced 205,000 tons of sugar. The Spanish colonies, Cuba, and Porto Rico, produced 110,000 tons. In the year 1856 the British West Indies produced only 140,000 tons of sugar, showing a diminution of 60,000 tons, notwithstanding the increase of population, and of the requirements of this country; while, on the other hand, the Spanish colonies, so far as could be ascertained, produced 450,000 tons, showing an increase in the production of that slave country of 350,000. Thus while the quantity of sugar produced by slave labour in 1831 was only 315,000 tons, in 1856 it was 450,000. At present no cotton was produced in British Guiana, while the quantity of coffee had diminished to something under 100,000 lbs.—little more than one-third of the quantity formerly exported. This showed that if it was really wished that our colonies should contend with the slave countries they ought to be allowed liberty to procure labour, and also assistance in obtaining it. Out of 50,000,000 acres of probably as fertile land as any in the world, there were at present under cultivation only about 60,000 acres. The necessity for labour was therefore apparent, and it was worthy of remark that the labourers there not only got good wages, but rapidly accumulated fortunes. Not a ship sailed back with them to India, according to the terms of the contract, which did not also carry several thousand pounds of their earnings. They had also an opportunity of acquiring real property, and in one parish alone he believed that 50,000 acres were possessed by persons who came out there to work for hire. But more labour was required, and in his opinion it was to be had. Setting Africa out of the question, India and China formed two great sources whence immigrants might be derived. The only emigration from India, however, was carried on by Government agents, and this arrangement was most unsatisfactory, because it was impossible that those persons should possess the same judgment in selecting the proper emigrants, and should be animated by the same zeal as the colonists themselves, or such agents as they might appoint, and the restrictions they imposed were most absurd and oppressive. The most absurd regulation was, that at Calcutta the Government agent would not allow more than 350 coolies to embark in any ship, no matter what was its tonnage and capacity. This regulation appeared so monstrous that he could with difficulty believe it, and he was astonished, therefore, to find his right hon. Friend (Mr. Labouchere) not only admitting the practice, but justifying it on the ground that it would be cheaper for the colony to use small vessels than large ones. Then the only Government agents were at Calcutta and Madras, though he believed one was shortly to be stationed at Bombay. But, in addition to the facilities offered in India for obtaining labour, the petitioners directed their attention to China. It seemed to him quite wonderful that the Government should have thought it necessary to prohibit the importation of coolies from China. This step was taken, it was said, in consequence of a report from Sir John Bowring putting forward the objections entertained by the Chinese to the emigration of their women. He (the Marquess of Clanricarde) however, had some doubts how far these objections really existed. They all knew the state of the lower classes in China and the condition of their women, and was it possible to believe that the poorer class of women could not be induced to emigrate without fraud or violence, when they lived in the state which had so often been described, and had their female children drowned like puppies before their eyes? Under such circumstances, could it be supposed that the Chinese women were so happy that by violence or fraud alone could you induce them to emigrate? The importation of Chinese into the British West Indies ceased, he believed, in 1854. Up to that time only 2,107 were introduced, who were found to be most industrious labourers; while in Cuba, where there were slaves, and the slave trade to keep up the supply, 7,700 Chinese had been imported. Not only had this been the case, but in the first three quarters of 1856, 4,485 Chinese were shipped for Cuba, and 3,879 were landed there. He did think the condition of these colonies required their Lordships' serious consideration. It was impossible to doubt that the fertile lands which composed them would one day be of the greatest value to this country. We were at present endeavouring to introduce the cultivation of cotton into some of our own possessions, in order that they might compete with the slave-grown cotton of the United States. Well, cotton to any extent could be grown in Guiana if labour could only be found, as he believed it might, without at the same time introducing slavery in disguise. He now, in conclusion, begged leave to lay this petition on the table, recommending it to the attention of their Lordships and of the Government.

EARL GRANVILLE said, the Government were fully alive to the importance of furnishing an adequate supply of labour to these colonies, and the only restrictions they were desirous to impose were such as they thought themselves bound to lay down for the protection of the coolies. They were determined not to encourage anything like slavery in the colonies; they were determined also not to allow in the traffic of coolies any approach to the horrors of the middle passage; and lastly, they were determined to provide for the return of those persons to India after they had fulfilled their engagements. Many of the regulations which appeared to be vexatious were absolutely necessary for the protection of these labourers. It was indispensably necessary, for instance, that they should be employed through the medium of a Government agent, for otherwise great disturbances might be occasioned in the country from which they emigrated, and there might be a chance of reviving the slave trade. In China, where there were no agents, "crimping" had been carried on to such an extent, that it resembled the worst features of the slave trade, and riots were frequently occasioned by the attempts made to carry away Chinese labourers to our colonies. The noble Marquess must admit that these things ought to be avoided. He believed that by the laws of China not only women but men were prohibited from emigrating; and although, no doubt, there was a great laxity in enforcing the law as regarded males, he believed the prejudice against female emigration continued to exist. Lord Elgin had undertaken to inquire into the matter, and see whether any mode could be adopted by which Chinese labourers could be supplied to our colonies. While Her Majesty's Government were convinced of the absolute necessity of imposing some restrictions on the importation of these labourers into our colonies, they, at the same time, had every desire to encourage the importation of free labour into them, in order that their great natural resources might be developed as much as possible.

Lord BROUGHAM said, nothing could be more distinct or candid than the statement of the noble Earl. His object was a very important one, and he must admit that Her Majesty's Government were desirous of introducing into our colonies as much free labour as was required to meet the wants and complaints of the petitioners and those who were in a similar position. But the great difficulty was how to do that, as his noble Friend the President of the Council had said, without risking a renewal of the slave trade, of internal wars in the countries from which these labourers might be taken, of frauds and violence, the horrors of the middle passage, and, in fact, all the evils attendant upon that trade. The intervention of the agents complained of by the petitioners was absolutely necessary to prevent those abuses to which he had adverted a few evenings ago in submitting a Motion on the subject of the slave trade. In fact, even in England, it was found necessary to require, under the severest penalties, that a Government agent should be informed of every emigrant put on board for the purpose of being conveyed to Canada, Nova Scotia, or elsewhere. How much more important, then, was it that similar regulations should be exacted with regard to Indian and Chinese labourers? Persons who had fully examined this subject were of opinion that the existing regulations should not be relaxed in the slightest degree.

Petition ordered to lie on the table.

House adjourned at a Quarter past
Seven o'clock, to *Monday* next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 24, 1857.

Minutes.] New Member Sworn.—For Oxford City, Right Hon. Edward Cardwell.

Public Bills.—1° Railways (Ireland).

2° County Court Judges (Falconer and Yates's Salaries).

3° Canada and New Brunswick Boundaries.

LUNATICS (SCOTLAND) BILL.

CONSIDERATION.

Bill, as amended by the Lords, brought up for consideration. On the amended Clause (Constitution of the Lunacy Board of Supervision in Scotland),

Mr. CUMMING BRUCE suggested, that the objections of the people of Scotland to the constitution of the Board of Supervision would be very much removed if the present Chairman of the Poor-law Board were to start the Board in its working, and be the first Chairman.

The LORD ADVOCATE said, he had seen Sir. J. M'Neill very lately, who had given it as his opinion that to unite the Lunacy Board and the Poor-law Board would be most inexpedient. The Government would take care that the persons appointed to the Lunacy Board were those who were best fitted for the position.

Clause *agreed to*, as was also Clause 23.

The remainder of the Lords' Amendments, with some alterations, *agreed to.*

Bill to be read 3° on *Monday* next.

POLICE (SCOTLAND) BILL.—COMMITTEE.

Order for Committee read.

Sir JOHN OGILVY said, that without wishing to offer any factious opposition to the Bill or to delay its progress, he was desirous of expressing his objection to the principle of centralization which was involved in this measure, as opposed to the principle of local self-government, a principle which was dear to the people of Scotland, and to the loss of which they would not submit without a struggle. He was aware that the principle in question had been introduced into the English Police Act; but he submitted that if the principle were erroneous, that was no reason why it should be embodied in the Police Act of Scotland; and he contended that it behoved the Scotch Members to resist this argument at the outset, otherwise it would be drawn into a most dangerous precedent, and whenever upon a future occasion they might think proper to oppose the principle of centralization they would be told that they were too late, for it had already been adopted both in Scotland and in England. The learned Lord no doubt would endeavour to persuade the House that it was necessary that the Secretary of State for the Home Department should have a controlling power over the police force, inasmuch as the Bill provided that under certain circumstances the Imperial Exchequer should grant a sum towards the expenses of the force not exceeding one-fourth. He (Sir J. Ogilvy) objected to this proposition as an attempt to bribe the people of Scotland, and he trusted that the Lord Advocate would concede the point with reference to local self-government, and adopt the Amendments which he had, in the discharge of his duty, ventured to propose to the House. He thought the control of the police force ought to be given to the Commissioners of Supply.

The LORD ADVOCATE said, that he would state his views upon the subject when the particular clauses came under consideration.

House in Committee.

Mr. FITZROY in the Chair.

Clauses 1 & 2, *agreed to.*

SIR JAMES ANDERSON said, he should propose the insertion of words, to give the Provost or Chief Magistrate of every burgh consolidated with the county for the purposes of this Act, a voice on the police committee.

MR. BLACKBURN said, he must object to the proposition, on the ground that it would give small burghs too great a voice on the police committee.

THE LORD ADVOCATE remarked, that he could only agree to the principle being applied to the royal burghs, and suggested that the consideration of the clause should be postponed.

Amendment *withdrawn;* Clause *agreed to.*

Clause 3. (Rules for Government, &c., of Constables to be made by Secretary of State), Amendment proposed in page 3, line 20, after the word "government" to insert the word "pay."

Sir John Ogilvy

SIR JOHN OGILVY proposed, after the word "government," to leave out the words "pay, clothing, and accoutrements and necessaries."

THE LORD ADVOCATE said, that he would take this opportunity of answering the remarks of the hon. Baronet the Member for Dundee (Sir J. Ogilvy) with respect to local self-government. The clause with reference to the interference of the Secretary of State was, word for word, the same as had been introduced into the English Act, and consequently gave him no greater power. The Government came forward to take a certain share in the expense of maintaining the police force, and they naturally stipulated that the same powers should be given to the Secretary of State in Scotland as were given to him in England. The hon. Baronet had said that the principle of the measure was opposed to the feelings of the people of Scotland, but he thought that the country gentlemen in England were just as jealous of centralization as the Commissioners of Supply in Scotland could possibly be; still the English Bill had been passed, and it was found to work extremely well. The principle of local self-government was a perfectly sound one if properly carried out, but he could mention one or two facts which his hon. Friend the Member for Dundee might ponder on with advantage. The upper ward of Lanarkshire, for example, did not possess a single policeman. So much for local self-government! A man accused of crime in the county of Midlothian had only to step across to the county of Lanark, and there was not a single policeman there to apprehend him. The consequence was, that it became an asylum for all the criminals of Scotland. Again, in autumn last a riot occurred in the town of Kelso, and the mob assembled became very riotous, and among other outrages burned down a Roman Catholic chapel. Local self-government was represented there by a superintendent of police and one man, and on the trial of the rioters the superintendent and his man were examined as to what they had done. They stated that they had gone as close to the spot as they dared, but that they had been received with such a volley of stones that they had thought it well to retreat to their homes. He (the Lord Advocate) did not mean to say that this was the general state of things in Scotland, but he mentioned these instances to show what might occur under local self-government. He assured the Committee that there was nothing to be apprehensive of in the amount of centralization which was contemplated by the Bill.

MR. CUMMING BRUCE said, that he thought that there was a good deal in what had been stated by the hon. Baronet the Member for Dundee (Sir J. Ogilvy), and that the principle of centralization was carried a great deal too far. Every one must admit that it was essential that it should be compulsory on every county in Scotland to establish an efficient police force; but he thought that all the minor details, such as pay, clothing, accoutrements, and so on, should be left in the hands of the Commissioners of Supply, who were quite adequate for the purpose. The great defect in the Bill was, in his opinion, that it did not provide for the appointment of a good central force of detective police, whose services would be extremely valuable in Scotland, especially if they were a moveable force, which might be sent to any part of the country where an emergency arose.

SIR EDWARD COLEBROOKE observed, that he was astonished to hear that the upper ward of Lanarkshire, with which he was connected by residence and property, was a nursery of crime. He said that, being a supporter of the Bill, as were the inhabitants of Lanarkshire generally.

The LORD ADVOCATE said, he had not stated that the upper ward was a nursery of crime. What he said was, that there was not a constable to arrest criminals who fled thither. With regard to what had fallen from the hon. Member for Elgin and Nairn (Mr. Cumming Bruce), he thought that such a force would be desirable, and that it was a matter to be considered.

MR. BLACKBURN remarked, that he also thought that such things as the clothing and accoutrements of the police might be left to the Commissioners of Supply.

MR. BLACK thought the Bill gave too much power to the Government in respect to small matters of detail.

COLONEL SYKES said, he saw no reason why the Commissioners of Supply should not have the regulation of the clothing, accoutrements, &c., of the police.

MR. W. EWART supported the Amendment.

VISCOUNT MELGUND remarked, that centralization was going too far, and that he should support the Amendment.

SIR GEORGE GREY said, that the power given to the Secretary of State had not been first conferred by the Act of last Session, but had existed ever since the original Act, which was passed when Lord Normanby was Secretary of State, twenty years ago. The rules laid down by the Secretary were of the most general character, being calculated mainly to ensure uniformity in the management and control of the police force; and as he was not aware that any objection had ever been taken in England to the exercise of the power in question, he could see no reason why the same principle should not be applied to Scotland.

Question put, "That the word 'pay' be there inserted." The Committee *divided*:—Ayes 74; Noes 47: Majority 27.

Clause *agreed to*.

Clauses 4 to 23 inclusive were also *agreed to*.

House resumed. Committee report progress; to sit again on *Monday* next.

RAILWAYS AND CANALS (INDIA).

QUESTION.

MR. CHEETHAM said, he would beg to ask the President of the Board of Control, Why the return ordered by the House on the 3rd of March last in respect to Railways, Roads, and Navigable Canals in India has not been complied with.

MR. VERNON SMITH replied, that it was necessary to obtain from India some of the information to which the Return referred, and, although application had been made for that information, it had not yet been received in this country.

AFFAIRS OF INDIA.—QUESTION.

VISCOUNT PALMERSTON: I wish, Sir, inverting the ordinary course of proceeding, to put a question from this side of the House to the right hon. Member for Buckinghamshire. It was arranged the other day that we should give up Monday to that right hon. Gentleman, with the view of enabling him to make such Motion as he might think fit with reference to the affairs of India. I suggested Monday for the purpose, thinking it probable that the Indian Mail would arrive before that time. I find, however, it is not likely that the Mail will arrive until some time in the course of Monday, and I would, therefore, suggest to the right hon. Gentleman whether he would postpone his Motion, and take the earliest Government day that may suit him, which we shall very readily give up. We shall then be sure that the Mail will have arrived before the question is discussed, and the whole country will be in full possession of whatever news may be brought by that Mail. It is of course the same thing to the Government which day the right hon. Gentleman chooses, but I mention this as a matter entirely for the consideration of the right hon. Gentleman. The whole country feels painfully anxious on this subject. Perhaps the right hon. Gentleman will state what course he intends to make, as it may be convenient for the House to know what course he proposes to pursue. The notice of the right hon. Gentleman can either stand, as it was originally fixed, for Monday, or we will give up Thursday for the discussion. Of course, the right hon. Gentleman will put upon the Notice Paper the terms of the Motion he intends to propose.

Mr. DISRAELI: Sir, I am very sensible of the importance of any observations which fall from the noble Lord on a subject of this nature, and they are entitled to my grave attention. The noble Lord may perhaps remember that it was at his own suggestion that the delay took place in bringing forward this question. I do not myself anticipate that it will be of any importance that we should receive fresh intelligence before I bring forward the Motion I intend to submit to the House. I have taken the suggestion of the noble Lord, which reached me by other means, into my serious consideration, and I hope he will not be offended at my saying that I have a firm conviction it is for the public advantage that no delay should take place in discussing this question. I hope, therefore, that the noble Lord will adhere to the arrangement which was originally made, and I will place on the table to-night the Motion I intend to submit to the House on Monday. That Motion, as I before intimated, will refer only to papers; but in bringing the subject before Parliament I am discharging what I believe to be a public duty.

CONVEYANCE OF TROOPS TO INDIA AND CHINA.

Upon the Motion for adjournment till Monday,

SIR CHARLES NAPIER said, the affairs of India had caused great excitement; and he wished to make some observations in reference to the conveyance of troops to that country and to China, for grave doubts had been entertained whether the Board of Admiralty had taken the best measures for that purpose. He, therefore, thought it desirable to draw their attention to the advantages which would attend the employment of steam vessels instead of sailing ships. The first Lord of the Admiralty stated some time ago that the passage of a sailing vessel to India occupied on the average 130 days, but he had subsequently given from 90 to 100 days as the ordinary time for the voyage. It appeared, however, that the vessels of the Peninsular and Oriental Steam Navigation Company made the passage in periods varying from 64½ to 88 days. These vessels took in coals sufficient for the voyage—about 900 tons—they depended on their sails in favourable weather; they did not touch at any port, because they used their steam power, because they used coal only during light winds and calms. He would suppose two vessels sailed, one a screw and one only a sailing vessel, and it must be evident to every hon. Gentleman in the House that the sailing vessel must meet with delays from light winds and calms, whilst the screw vessel might be advancing at the ordinary rate. There was a material discrepancy in the statements of the First Lord of the Admiralty, but the vessels to which he referred as having made the passage in from 90 to 100 days were no doubt clippers. If sailing ships were now sent out with troops, they would get into the Bay of Bengal in October, when the north-east monsoon would prevail, and they would consequently have 8,000 or 10,000 men beating about in the Bay of Bengal for a long time, if they were sent in sailing vessels. He had seen in the newspapers to-day that six steam vessels had been taken up; and he was extremely glad that the First Lord of the Admiralty, or whoever had the management of the business, had done so. Those steamers would take 4,000 men, but the cost of landing each man in India, by two of the vessels would be £49, and in the others £43 15*s*. From the enormous price of these vessels, it must be very clear that had the Channel fleet been kept up, and the ships taken troops, they would not have cost so much as they would when conveyed by merchant ships. There might be some reason which he had no knowledge of for paying off the Channel fleet; but after that they had still in port nine vessels of the line, including four screw vessels, and if instead of paying off screw ships we had paid off sailing ships, we should then have had ships in which to send troops to India. He thought that this would be a lesson to the Government not to leave the country without a provision for such emergencies. He had no hesitation in saying, that with the fleet and with Aldershot, in forty-eight hours—as was done in Mr. Canning's time—we could have sent 4,000 or 5,000 men off for India. If these ships had been at Portsmouth, with assistance from the coast-guard service, we could still have sent 5,000 men to India, even though the Channel fleet had been paid off. We had eight block-ships, and if proper attention had been paid to them by fitting mast and yards, and with the means of raising their screws, they might have gone to India, and have carried 4,000 or 5,000 men. If we had had the foresight to be prepared at all times, we might have had the means at this moment of sending out to India in those block-ships and some other vessels 10,000 men, without going into the market to get vessels at all. The sailors who had been discharged had probably found their way to America, and they were now asked to vote 2,000 more. Sailors, like other persons, did not like being called upon to serve one day and turned adrift soon after. He admitted, that in the case to which he referred the men went away of their own accord; but they all knew what was the character of sailors, and that if they could not get employment in one place they would go elsewhere, and he doubted whether the Government would be able to find the small number of men that they required. The right hon. Gentleman the First Lord of the Admiralty had said the other evening, that the principal reason why steamers were not the best fitted for the rapid conveyance of troops to India was, that they could not meet with a sufficient supply of coals for the voyage. But it appeared to him (Sir C. Napier), that the Government ought to have taken care that a sufficient quantity of coals was laid in at all the great stations on the ocean, to meet any emergency that might arise. He was, however, happy to perceive that the Admiralty had at last taken up a number of steam-vessels, and were now endeavouring to meet the necessities of the case; and he trusted that, in order to pacify the public mind, and especially the minds of those who had friends in India, the right honourable Baronet would answer the following questions:—How many ships have sailed for India or China, the date of sailing, their names, tonnage, how many troops they took, the number of days stipulated for the passage, and what forfeit if they fail; their cost, and whether steamers or sailing ships? How many more vessels are taken up for troops, their names and tonnage, the number of troops each are to carry, the length of voyage stipulated for, the forfeit for non-performance, and the cost, and whether steam or sailing vessels? If any Ships of War are commissioned for carrying troops, their names and rate, when they will be ready, and how many troops they will carry, and whether steamers or sailing ships; what number of troops of all arms will be left in Great Britain and Ireland? Whether steamers have been engaged to tow the vessels into the trades, and their cost?

SIR CHARLES WOOD said, that it was impossible for him to supply all the information which the hon. and gallant Admiral wished to obtain. With regard to the first question, the ships which had already sailed for India had been taken up by the East India Company, and not by the Board of Admiralty; and he had, therefore, no special information to afford upon that point. With regard to the vessels employed in conveying troops to India, he had to state that the *Simoom* had taken a regiment from the Mauritius, that the *Himalaya* and other vessels were engaged in the same service, and that the whole number of troops sent on towards China was between 4,700 and 4,800. It was not intended, as he had already stated, that any ships of war should be commissioned for the conveyance of troops; and he repeated that he could not answer the inquiries of the hon. and gallant Admiral with respect to the arrangements into which the East India Company had entered for the transport of troops to that country. With regard to the supply of coals, the gallant Admiral must be aware that this was an emergency that could not possibly have been foreseen; and nobody could have supposed that in ordinary years the Government would have sent out a quantity of coals beyond what would suffice for the ordinary number of steamers going to India. The Government were now, as fast as they could, sending out coals to the different stations to meet the increased demand; but it would be bad economy and great waste if they were at all times to keep up such a store of coals as would be required to meet every possible emergency.

COUNTY FINANCIAL BOARDS.

QUESTION.

MR. KNATCHBULL-HUGESSEN said, he rose to call the attention of the

Government to the subject of the establishment of County Financial Boards, and to ask whether it is their intention to introduce any measure upon the subject next Session. It would be in the recollection of the House that a measure on this subject was introduced in a former Parliament by Mr. Milner Gibson, and the noble Lord now at the head of the Government, then Home Secretary, said—

> "That the House had frequently considered a representation for the administration of county affairs, and having repeatedly affirmed the proposition, he was prepared to say that, at the beginning of the next Session of Parliament, the Government would introduce a measure upon the subject."

He (Mr. Knatchbull-Hugessen) did not presume to find fault with the noble Lord for not keeping his promise, because a great national object had prevented it. He should be glad to know whether or not it was the intention of the Government to introduce a Bill in the next Session of Parliament upon this subject.

Viscount PALMERSTON said, it was quite true that, at one time, it was the intention of the Government to propose a measure of the character mentioned by the hon. Gentleman, but the Bill brought in by Mr. Milner Gibson on the subject met with such great difficulty in the House, and led to so much difference of opinion with regard to the manner in which such Boards should be constituted, and the Government had found so much difficulty in reconciling conflicting opinions on the question, so as to afford a fair prospect of carrying such a Bill, that they had not been able to fulfil their intention. With regard to next Session, he was not aware that the Government could hold out any expectation that they could see their way sufficiently to justify him in saying it was the intention of the Government to introduce a Bill.

THE NEW WAR AND FOREIGN OFFICES. QUESTION.

Mr. BERESFORD HOPE said, he wished to ask the First Commissioner of Public Works—Whether he proposes to lay the Estimates for building the new War and Foreign Offices before the House this Session? If his question should be answered in the affirmative, he (Mr. B. Hope) should then feel it his duty at the proper time to submit a Motion, which, if carried, might possibly delay the commencement of the works. He did not think that the plans for the new public buildings had been sufficiently considered, and believed that a postponement of the works would be advantageous, both on the score of economy and good taste in the decoration of the Metropolis.

Mr. BRISCOE said, he entirely concurred in the remarks of his hon. Friend. He was sure the House was not aware of the vast sea of expense into which it was about to plunge. A distinguished architect, in whose company he had visited Westminster Hall yesterday, told him that the execution of the block plan for the improvement of Westminster, which had received the first prize of £500, would cost no less a sum than £12,000,000 or £14,000,000. He merely reported what he had heard, and he earnestly trusted the House would not vote a single shilling until the production of an estimate of the entire cost. The present was not a time for embarking in ill-considered and costly speculations, when the country must necessarily be subject to a vast outlay for military operations; and he hoped the Government would take no further steps with respect to the new public buildings until next Session.

The CHANCELLOR of the EXCHEQUER said, he would beg the House to understand that the Government were not in any way committed or pledged to the adoption either of the block plan of which his hon. Friend had just spoken, or of any of the particular plans lately exhibited in Westminster Hall. That was a matter entirely open for the consideration, not only of the House but of the Government. With regard to the question of the hon. Member for Maidstone, he had to state that it was not the intention of the Government to present any estimate this Session for the new public offices.

Mr. GLADSTONE said, that he was one of those persons who sympathised in the alarm which had been expressed by his hon. Friend near him (Mr. Briscoe). He was, therefore, much pleased with the answer of his right hon. Friend the Chancellor of the Exchequer, that neither the House nor the Government were committed to the adoption of any of these plans; but he entertained great apprehensions that, step by step, inch by inch, without any formal or sufficient discussion, they were being drawn unawares into a project which he ventured to say, with regard to the real necessities of the public service, was one of the most astounding and incredible schemes that, in a financial point of view, had ever been presented to a civilized country. He might be quite wrong in that opinion, but such was the view he took of the outlay that was contemplated, if, as he had been told, they were required or expected to clear a great square for the purpose of covering it with public buildings at an expense of several millions. He trusted they would not allow themselves to be drawn insensibly into little extensions of a scheme which was originally proposed by the late Sir William Molesworth, and which, as it came from its author, was certainly not open to the objection of extravagance, whatever opinion might be entertained of its sufficiency. No attempt should be made to commit the House, either directly or indirectly, to any portion of the gigantic project now in contemplation without an opportunity being given for discussion, and without their knowing exactly what they were about in a matter which so much concerned the public interests, their duty to their constituents, and their own reputation for common sense.

THE NATIONAL DEFENCES.

OBSERVATIONS.

MR. BENTINCK: Sir, we have heard lately a good deal about the inconvenience that arises from the multifarious nature of the discussions on the question of the adjournment of the House to Monday, but, judging from what takes place every Friday evening, I do not see that we are likely to obtain any remedy. Not, however, having been so fortunate as to catch your eye before, I must now take the opportunity of making some remarks upon a subject which I venture to say is of much greater importance than the one which has just occupied the attention of the House, and one which, I think, it is hardly fair to dispose of in a summary manner. I am sure the House has heard with pleasure of the scheme for transmitting troops to India; but I wish to hear from the right hon. Baronet (Sir C. Wood) some answer to what has been stated by my hon. and gallant Friend (Sir C. Napier), when he adverted to the want of means for the conveyance of troops to India, caused by the fact that it was thought proper two months ago to get rid of numerous efficient line-of-battle ships, and to the fact that we are now spending a large sum of money in hiring steamers when those line-of-battle ships would have been admirably fitted for the purpose for which it is intended to employ the steamers in question. I want also to know whether the right hon. Baronet is still prepared to say whether he thinks the economy adopted on the termination of the Russian war prudent and proper. We have heard so much about emergencies, that I think it is not unfair to remind the House that in reality these emergencies are always occurring. At all events they occur every three or four years, and it seems a sort of infatuation that makes us at the end of every war determine to economise, and to reduce the army and navy as much as possible, when at the end of two or three years something is sure to occur which necessitates the employment of a large number of ships, and a large sum of money is required to make up for our false economy. If we only had a return of the millions wasted in this country through the adoption of this system of false economy for the last three years, I think it would exceedingly astonish the House and the people of this country. I should also have liked exceedingly to hear from the right hon. Baronet that the steam vessels to be employed on this service were to be taken up and paid for by the East India Company, and I am sorry that it is not in the power of the right hon. Baronet to give the House any information upon that subject. Will some member of Her Majesty's Government have the goodness to inform us whether the Government intend to take any responsibility with respect to the mode and the rapidity of the transmission of these troops from this country to India, or whether the responsibility rests upon the East Indian Company alone, because the House must be aware that an unnecessary delay through any failure in the arrangements may involve the most disastrous consequences. But, Sir, the right hon. Baronet told us that this was an emergency which could not have been foreseen. Now, such an admission as that never ought to come from the mouth of a Minister. It is the business of a Minister to foresee these emergencies. For my part, I think that if no emergencies of this character can be predicted, there is very little use in a Government. I think that the Government itself will hardly venture to contradict me when I assert that it is their duty ever to be ready to meet such an emergency. If such foresight, such prevision had been exercised, we should not now be in the situation in which we are now placed by what, as I contend, is the adoption of a system of false economy. I regret that the Government have not answered that portion of the question of my hon. and gallant Friend, as to what number of troops of all arms we shall have left in Great Britain and Ireland after the necessary reinforcements have been sent to the East. It is a remarkable fact that we have never yet been able to extract from the Government any information as to what will be the state of the defences of this country after the necessary reinforcements of troops have been shipped off to India. It is, however, most desirable to know this, because how can we tell what, in the present state of affairs, may arise to necessitate the transmission of a much larger body of troops? I want, therefore, to know whether the Government is prepared to state to this House what means of defence exist at present in this country, and what are the resources upon which we can rely in case of any increase of the calamities which have occurred in India. It cannot be urged that it is desirable to conceal our strength in this instance. We are not engaged in a war with a foreign nation, but in quelling a mutiny among our own troops; and while it is desirable, on the one hand, that the public mind shall be relieved as to the state of our defences at home, no harm whatever, on the other hand, can arise from stating publicly the condition of those defences. But, notwithstanding every attempt I have made, I have not been able to extract the slightest information from the noble Lord, except the bare fact that he is satisfied upon the point in his own mind. We ought to have some stronger assurance than the mere assertion of the noble Lord, and I think the right hon. Baronet would have done well to have answered the question put to him by my hon. and gallant Friend, who asked him what number of efficient ships for the purposes of defence would be left at home after the vessels employed in conveying troops to China have been despatched. It is true that the right hon. Baronet referred to the number of ships which we have in various ports, but he never told us the total number of ships now in commission available for the purposes of defence, should another unforeseen emergency arise. I cannot help fearing from his silence on that point that the number is totally inadequate for the purpose. I cannot myself rest satisfied with a mere assurance from the noble Lord and the right hon. Baronet that, personally, they are satisfied, and I think that the country ought to demand some explanation on the subject.

COMMODORE KEPPEL AND THE LOSS OF THE RALEIGH.

Lord CLARENCE PAGET said, he would beg to ask the right hon. Baronet the First Lord of the Admiralty whether there is any foundation for the report that Commodore Keppel has been recalled from his command in the China Seas?

Sir GEORGE GREY said, his right hon. Friend (Sir C. Wood) having spoken once, was precluded by the rules of the House from speaking again on the Motion before it.

Lord CLARENCE PAGET said, he had understood within the last half-hour that it was not the intention of the First Lord of the Admiralty to recall Commodore Keppel from the China Seas, provided he were acquitted by a court-martial. Perhaps his right hon. Friend would do him the favour of nodding his head if that view were correct—as in that case he should not feel it necessary to trouble the House with any statement. As the right hon. Gentleman had made no response, he was afraid he must assume that it was not his intention to allow Commodore Keppel to remain at his post in the China Seas, supposing him to be acquitted by the court-martial appointed to try him. If that was the case, he (Lord C. Paget) thought that a great injustice would be done to one of the most meritorious officers in the navy. This was at the present instant a question of grave public importance. They had sent out to the Chinese seas one of their very best officers, they were about to engage in hostilities with an enemy not altogether despicable, and yet they were going to deprive the navy of the service of one the most valuable and courageous men they had. Under these circumstances he felt it his duty to state in a few words the acts which attended the loss of the *Raleigh*. It was unnecessary for him to say anything of the distinguished services of his gallant Friend, for he saw many in the House who, from having served with him in the Crimea, could better explain the gallantry of his behaviour on the heights of Sebastopol and in command of a battery there. He might, however, say, that he was a man eminently calculated to perform the services which would be required of him in the Chinese Seas, and the First Lord himself knew that there was upon that station no officer better qualified to act as second in command to Sir Michael Seymour. Having been appointed to that post, Commodore

Keppel lost no time in proceeding to the scene of his duties; but, unfortunately, just as he came in sight of the land where his services were required, he ran his ship upon a hidden rock not mentioned in any chart and wholly unknown. The ship was thus lost, but without any blame, as he thought, attaching to the Commodore. The Commander in Chief on the station, feeling this, and wishing to retain the services of so good an officer, expressed a hope that he might be permitted to give him a commission in another ship in case he should be acquitted, as it was morally certain he would be, by his brother officers, and, since the catastrophe, had employed him on active service in the boats against the Chinese. He (Lord C. Paget) quite agreed in the recommendation of the Commander in Chief, and the House would believe him that he would not for a moment say a word in his defence if he conceived him guilty. He was convinced, however, that he would be most honourably acquitted. It must be remembered that the gallant Commodore had with him the newest Admiralty charts, and no trace of the rock in question was laid down in them; the gallant Commodore was surely justified in placing implicit reliance upon them. The fact was, that if the gallant Commodore were recalled, it would be in consequence of an antiquated rule of the service which decreed that a Commodore of the second class was incapacitated from hoisting his flag in any other ship than the one to which he had been commissioned, so that if by the chapter of accidents he had the misfortune to lose his ship, whether in action or any other way, from that moment his command over the other vessels of the squadron ceased. It was in consequence of that antiquated law of the Medes and Persians that this gallant officer was to be recalled, degraded, and dishonoured, without having in the slightest degree merited blame. He would refer them to a parallel case in the sister service. When a brevet came out every officer who was promoted to a higher rank was at once placed on the half-pay list; and if serving abroad he had nothing for it but to pack up his portmanteau and return to England. That was a rule in the army. When his hon. and gallant Friend the Member for Greenwich (Sir W. Codrington) arrived at Varna with the expeditionary force sent to the East, he was a major in a battalion of the Guards. A brevet went out; that gallant officer was promoted, and the result of this was that he was at once placed upon the half-pay list. The late lamented Lord Raglan, however, knowing the value of his services, and disregarding in such a case old rules and regulations, at once appointed him to a command; and the country owed it to this circumstance that it had the services of the gallant officer at the Alma and at Inkerman. The much-abused Horse Guards confirmed Lord Raglan's appointment. Now, he asked the right hon. Baronet the First Lord of the Admiralty whether, considering his great services, his peculiar applicability for the performance of the duties for which he had been chosen, the fact of the loss of the vessel being an undoubted accident, and the recommendation of Sir M. Seymour, whether—if the gallant Commodore were acquitted, he (Sir C. Wood) would break through the antiquated rule which had been referred to, and allow him to hoist a red pennant or something of that sort—but at all events to take the bit in his mouth and make such an order as would prevent this gallant and meritorious officer being sent 15,000 miles home, when his services would be so valuable to the country at the station at which he was?

Sir GEORGE GREY said, the present was an instance of the inconvenience arising from the practice of raising discussions upon multifarious subjects on the question of adjournment. His right hon. Friend the first Lord of the Admiralty having once spoken upon this question, his lips were sealed. He (Sir G. Grey) would, however, endeavour to reply to the question of the noble Lord. Every one acquainted with Commodore Keppel and the services in which he had been engaged would concur with the noble Lord in the high character which he had given of that officer, and he was not entitled to assume that the Admiralty had any intention to disgrace or discredit him or any other gallant officer who did his duty to his country. The whole conduct of the Admiralty showed that there was not the most distant desire on their part to disparage any gentleman employed in Her Majesty's service. It appeared that Commodore Keppel went out in command of the *Raleigh* frigate to the East, and had the misfortune to lose his ship. By the invariable rule of the service, and a very proper rule it was, every officer, whatever his previous character might have been, and however high his connections and standing in the profession, was in such a case subjected to trial by court-martial before his brother officers, in order that the facts of the case might be investigated, and he would either be acquitted, if he deserved acquittal, or be found guilty and have sentence passed upon him, should it appear that the loss of the ship was occasioned by his misconduct or neglect. His noble Friend sought to anticipate that inquiry. By the last accounts from the East they were informed that the court-martial was about to sit, and if there were no room for blame the proceedings would terminate —as all must hope they would—in Commodore Keppel's acquittal; but while the matter was still *sub judice*, he must protest against the House of Commons being called on to express an opinion upon the case. Till the decision of that tribunal became known it would be altogether premature to come to any conclusion regarding the case; but, in the meantime, there was not the slightest ground for saying that any injustice was done by the Admiralty to Commodore Keppel.

Sir WILLIAM CODRINGTON said, he thought his noble Friend (Lord C. Paget) was justified in defending in the way he had done an absent brother officer, who was suffering from a temporary misfortune. The gallant officer to whom he referred lost his ship by running against a rock not laid down in any chart; and though no blame could be imputed to him he was, by an obsolete rule, lost to the service on which he had been specially sent. That was the point to which his noble Friend had very properly adverted, and his doing so in no way implied interference with the court-martial. His question had reference only to the orders of the Admiralty which prevented an officer who might have lost his ship even in presence of an enemy from being retained on the foreign service in which he was engaged, and made it necessary that he should be commissioned to some other ship by the Admiralty at home. It was on that ground that his noble Friend thought injustice might be done, not only to Commodore Keppel but to the Commander in Chief on the spot. He believed the Commander in Chief had made use of Commodore Keppel's services in boats, but he was precluded from employing him in the way he desired. He (General Codrington) could bear his testimony to the invaluable services of Commodore Keppel in the batteries before Sebastopol, where he commanded the naval brigade. His coolness, his daring, and his assiduity excited universal admiration, and he trusted that the Admiralty would enable the Commander in Chief to retain his services now in that part of the world where they were so much wanted.

Admiral WALCOTT said, he fully concurred in the sentiments so well expressed by the right hon. Gentleman the Secretary of State for the Home Department on this subject. It was the invariable rule of the Naval Service to subject an officer in Commodore Keppel's circumstances to trial by court-martial, and till he was acquitted it was impossible that he could be employed as his noble and gallant Friend proposed. He agreed with the noble Lord in every word that had fallen from him with reference to the high qualities of Commodore Keppel; but he was proud to say that there were many officers of the highest merit on the Chinese station who would not disappoint the expectations of the country in the absence of Commodore Keppel. He should, at the same time, be most glad to hear, and of this he happily entertained no misgiving, that he was acquitted by a court-martial for the loss of the *Raleigh*, and that the Commander in Chief was enabled to retain his services on the station. When on his feet he wished to correct a misstatement he had made to the House the other evening, when he said that the *Medusa* frigate had made an unprecedented voyage to the East Indies in eighty-four days. He now found that a ship belonging to Mr. Green had, in four consecutive voyages, made the passage in seventy-seven days, and he was happy to find that naval architecture was so much improved as to make such passages possible.

Sir JAMES ELPHINSTONE said, that with reference to Commodore Keppel and the wreck of the *Raleigh*, he (Sir J. Elphinstone) had received a letter in which he was informed that the officer who had surveyed the place on the order of Sir John Bowring, had stated in his report that the sunken rock in question was two miles and six furlongs from the land, and that, not being laid down in any chart, it was impossible for the gallant Commodore to guard against the danger. He thought that no obsolete rule should be allowed to stand in the way of the employment of the gallant officer.

Motion *agreed to*;

House at rising to adjourn till *Monday* next.

DIVORCE AND MATRIMONIAL CAUSES BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

Mr. HENLEY said, he rose to move that the order for the second reading of the Bill be postponed for one month. In stating the reasons which had induced him to make this Motion he should refrain from raising any question on the principle of the Bill, and should confine himself entirely to showing in what manner it would be convenient for the House and advantageous to the public that this course should be taken. He should be obliged probably to touch on the provisions of the Bill, but he should cautiously abstain as much as possible from offering any opinion upon them. As the law at present stood persons wishing for a dissolution of marriage were obliged to go through a threefold operation. First, they had to sue in the Ecclesiastical Courts; next, to bring an action in the Common Law Courts, usually called an action of *crim. con.*; and, lastly, they went to the House of Lords for what was called a Bill of divorce by way of *privilegia.* He was quite willing to admit that these *privilegia* had now become matters of right, but, by a Standing Order of the House of Lords, that right was accompanied by a prohibition of marriage between the guilty parties, and a clause was inserted in each Bill to that effect, which, however, it was the practice to strike out afterwards. In 1855 the Government of the day issued a Commission to inquire into the present state of the law of divorce, and their attention was specially directed to the mode of obtaining divorces *a vinculo matrimonii.* That Commission made a Report embodying certain Resolutions, and in the following year legislation commenced in the House of Lords. He was not aware whether the Bill of that year ever came down to this House; but, at all events, no action was taken upon it. There the question rested until the present year, when a Bill was introduced in the other House, which, after various discussions, was sent down to this House in its present shape. It was scarcely necessary to call attention to the great gravity and difficulty of the subject. Not that it would affect many persons, for the number of persons who would come under the operation of a measure of this kind was not very great; but what made it so important to proceed with extraordinary care and deliberation in this matter was, that if any false step were taken, if a wrong course were entered upon, it might have the effect of shaking the sanctity of the marriage vow, and so lay the foundation of a vast amount of social evil. It was in that sense that this question was eminently grave and difficult, and the possible evils which might result from hasty and ill-considered legislation far outweighed the inconvenience which a few persons might suffer from the postponement of the measure to another Session. He was the last man to refuse its due weight to anything which was an authority on this subject; but he should have to call the attention of the House to circumstances which would very much diminish the weight which might otherwise be given to the various ordeals through which this Bill had gone, and which would go far, he thought, to prove that it ought to be discussed on its own intrinsic merits, and could not stand upon the authority of what had been done elsewhere. He would first of all contrast the recommendations of the Commission with the provisions of the Bill of 1854, and of the Bill now before the House. The Commissioners recommended that there should be a tribunal of three independent Judges. The Bill of 1854 proposed that all matters connected with judicial separation should be thrown into the Court of Chancery, and this Bill constituted a tribunal consisting of several persons—the Lord Chancellor, the Chiefs of the three Common Law Courts, and the Judge of the Probate Court, who was to be the Judge Ordinary—three to be a quorum in matters relating to dissolution of marriage, while all other matters were to be confided to the Judge Ordinary sitting alone. Then as to the question of appeal. The Commissioners recommended that there should be a general appeal to the House of Lords. In the Bill of 1854 the appeal was the same as that which the Chancery Courts had, with an ultimate appeal to the House of Lords. In the present Bill there was no appeal in cases of dissolution of marriage upon the facts, but upon points of law there was an appeal to the House of Lords, and in all matters connected with judicial separation and other matrimonial suits there was an appeal from the single Judge to the full Court. On these points the recommendations of the Commissioners had not been carried out; in fact, there did not appear to have been any constant mind with respect to them. Then, again, the Commissioners recommended—and gave reasons for their recommendation—that these matters should be decided by Judges and not by juries, and in 1854 the House of Lords was of the same opinion as the Commissioners, that there ought to be no juries. This year there had been a change of mind, and when this Bill was brought into the House of Lords there was not to be a jury as a matter of right in any case, but only at the discretion of the Court. During the discussion, however, there was a further change of opinion, and as the Bill now stood a jury was given as a matter of right in all cases of dissolution of marriage, and in other cases at the discretion of the Court. It was quite clear that on every point on which it was possible a difference of opinion might arise there had been a great conflict of opinion, and he appealed to hon. Gentlemen—for he could not for a moment doubt that it was their desire and that of Her Majesty's Government to pass a good measure upon this subject—whether it was likely, therefore, or possible even, that at this period of the Session these matters could receive that full discussion in Committee which their importance demanded? Point after point would have to be discussed, the various reasons *pro* and *con.* which had been urged elsewhere would be brought forward again, and so much time would be taken up, that either nothing would be done in the end or what was done would be done in so hurried a manner as to reflect no credit upon the House and gain no advantage for the country. But there had been as great difference of opinion on the thing which was to be dealt with as on the manner of dealing with it. The recommendation of the Commissioners in regard to judicial separations or divorces *a mensâ et thoro*, as they were now called, was that conjugal infidelity or gross cruelty should be a ground for them, and that in cases of wilful desertion there should be a remedy either by judicial separation or allowance of alimony. In the Bill of 1854 there was no definition of the ground upon which judicial separation was to take place; probably it was intended that it should be for the same causes as those for which it was now decreed in the Ecclesiastical Courts, but there was a provision in the Bill by which desertion for three years was made a ground for the allowance of alimony. In the Bill of this year desertion for two years was made a ground for judicial separation. Then came a rather curious provision, the practical results of which, he thought, would be more awkward than its proposers imagined—namely, that a wife who had been deserted for twelve months should have a power to protect her earnings from her husband or from his creditors. This protection, oddly enough, was to be given by a single magistrate, but it could be upset again by any two magistrates, and this might go on *toties quoties.* Nothing of this kind appeared in the recommendations of the Commissioners, or in the legislation of 1854. The period of desertion thus fell from three years to two, and this anomalous remedy was added over and above. So far as to what was called judicial separation. Next, there were the differences of opinion which had existed on that more serious question, the dissolution of marriage. The report of the Commissioners recommended that when a dissolution of marriage was sued for by the husband it should be for adultery and for adultery only. The same principle seemed to run through the mind of the House of Lords both in 1854 and in 1857. But when it came to be a question of getting rid of the *privilegia* and substituting a general law, it naturally occurred to our legislators (although the Commissioners said little on this point) that there were two parties concerned in a marriage contract, and that if they did not choose to give the wife the same remedy as the husband, they ought, at all events, to consider what her remedy should be. If the House had to discuss this question, it would be of great advantage to have a steady current of authority to guide them. But how stood the fact? The Commissioners merely suggested this—that a dissolution should take place on the suit of the wife only in what they termed cases of "aggravated enormity," meaning by that phrase incest and bigamy. This recommendation was followed in the Bill of 1854 as originally introduced; but when the measure came to be discussed, the minds of its framers enlarged, and the definition of the grounds to which the remedy of the wife should be confined, expanded into "incestuous adultery, bigamy, and unnatural crimes, or the attempt to commit them." As the discussion proceeded, however, another change took place; "bigamy" was at length excluded, and the remedy of the wife was ultimately left to depend upon "incestuous adultery" alone. This showed how much vacillation there was in the mind of that portion of the Legislature in 1854. This brought them to the year

1857 and to the Bill now before them. That Bill differed entirely from the mind of the Commissioners—differed entirely from the mind of the House of Lords in 1854, and presented the matter in a totally new shape. After being restricted to two grounds, then enlarged to four, and then narrowed down to one, the remedy on the part of the woman was at last again rested upon four grounds. Those grounds were —first, incestuous adultery; second, bigamy; third, adultery coupled with gross cruelty; and, fourth, adultery coupled with desertion for two years. But that was not all. The result of the deliberations of the other House this year was not arrived at without great fluctuations of opinion; and if anything should induce the House to be on its guard against hasty legislation it surely was the extreme indecision and uncertainty evinced by those who had had this subject so long under their consideration. Before, however, calling attention to the unsettled state of the mind of the Upper House during the present Session, he must refer to a portion of the question which was not the least important, and which had excited no little public feeling. He meant the subject of remarriage. Conscious of the difficulty by which this point was surrounded, the Commissioners gave no opinion whatever upon it. He was told, indeed, that they left it where it was, but they certainly did not go the length of distinctly suggesting that it should continue as it stood. They merely gave it a very handsome go-by. The legislation of 1854 indicated a tendency in favour of permitting the parties to marry again; and he would presently allude to the manner in which this point was dealt with in the present Bill; but he would first of all advert to the last point on which he had to trouble the House. The Commissioners stated their belief that no verdict of a Court of Law and no sentence of an Ecclesiastical Court should be required as a condition precedent to the dissolution of a marriage. In 1854 the House of Lords did not seem to have dealt with that part of the subject at all. But the Bill of this year, in its finished state, declared that there should be no action for *crim. con.*, that the adulterer should be made a co-respondent, and subjected to a limited fine. He would next beg the House to remark how strangely the mind of the House of Lords had wavered in the present Session. He had already touched upon the jury question, and indicated the ebbing and flowing of opinion to which it had given rise; and to return to the question of remarriage, he had also to point out that when the Bill was first introduced it contained a power to the parties to marry again; that during the progress of the measure the right of remarriage was confined to the man alone; and that the provision was afterwards changed back again into a permission to both parties to remarry. Was it possible to conceive a more unsettled state of mind on important points than these facts disclosed? When the Bill was brought in, the action of *crim. con.* was not to precede but to follow the dissolution of the marriage. That, however, was subsequently swept away; and the offence of adultery was created a misdemeanour. A little afterwards another change is made, and it is proposed to inflict fine and imprisonment. That does not stand long. The action of *crim. con.* was to be entirely abolished, but the adulterer was to be liable to a fine. Could they imagine greater uncertainty than had prevailed on all these important particulars? On these grounds alone, he thought he was justified in asking for a postponement of this measure till another Session. But this was by no means all. The number of persons affected by this question was extremely limited. According to a return now on the table the number of divorce Bills passed within the last ten years was but thirty-six; for the ten years preceding the number was forty-eight; and again for the ten years before that it was thirty-four. The proportion for each year was therefore only between three and four. It would be impossible therefore that parties should be inconvenienced by this matter standing over. It had been said that hitherto this privilege had been within reach of the rich, but wholly out of the reach of persons of moderate fortune, and this was urged as a reason for the change. But this Bill was so framed that it deprived a very considerable portion of Her Majesty's subjects of any remedy whatever. In suits for the lesser separation—the judicial separation—parties living at the extremity of the kingdom would be shut out from any remedy except they came to London. He was not surprised that the Commissioners had not touched upon this matter, but it was remarkable that it had escaped notice and discussion altogether. Let the House see how this matter stood. There were no recent returns as to the number of divorce suits at present occurring per year, so that in order to get any information he was obliged to go back to the Ecclesiastical Report of 1832,—a very well known Report, which was reprinted in 1842 or 1843. In this Report he found the account of all the matrimonial suits of all the Courts of England during the years 1827, 1828, and 1829. The matrimonial suits during those three years were 101 in number, of which there were sixteen in the Arches Court of London and forty-two in the Consistory Court of London, making fifty-eight altogether in the metropolis. In the other courts of the country there were forty-three, so that four-tenths of the whole were now to be swept away and no remedy provided for these parties. And yet the House was asked to legislate for persons of moderate income who wanted a remedy, about the propriety of granting which there was no difference of opinion. These persons would be cut off from the chance of a remedy for the sake of giving some facilities to persons who were better off. He would assume that the business in the country at present bore the same ratio as in the years he had specified. He found that in the three years 1827, 1828, and 1829 the matrimonial cases in the Consistory Court, were forty-two, while the cases of divorce were only sixteen. It happened that in the year 1827 there were scarcely any, but the average for the three years was five for each year. The Commissioners in 1853 had a return made of the causes in the Consistory Court, their amount in 1854 being nine per annum. That, however, was an imperfect return. In the Court of Arches in that year the causes were fewer than in preceding years, and that must have swelled the causes in the Consistory Court, so that the number was not so much increased as might seem. The amount of business fluctuated in different years, but a considerable amount of business was done in the districts of York, Chester, Glocestor, Norwich, and Durham. For the more ordinary business, parties living in these districts would be put to great inconvenience if their causes were all brought to London and decided at a central court. The Bill provided that testimony should be given orally. That was a most important provision, and there was a pretty uniform opinion in its favour. The Bill gave a power to send a commission into the country to take the evidence of persons who were rich and could not be brought to London; but it would not be very satisfactory to the poorer classes of the community who lived at a distance to be deprived of the advantage of the Bill. He had now stated the reasons that induced him to come to the conclusion that if the Government persisted in proceeding with this Bill during the present Session there must be very lengthened discussions upon it in Committee. He did not wish to give an opinion upon the Bill, but when the House heard of the petition signed by 6,000 clergymen against it, it was clear that the interest taken in the Bill was very great and had not abated. That interest must secure for the Bill very long and protracted discussions. If those discussions were cut indecently short by the lateness of the Session the House would run the risk of shocking the high feeling existing in the country against the Bill, and the still greater risk of passing a crude, ill-digested, and not well-considered measure. Feeling, as he had already stated, that the Government had no interest in the matter, except to get a good Bill for the country, and feeling that very few parties would be inconvenienced by the delay, he would ask the Government to remember that much good might result from the delay. It was possible that when those who now had a strong feeling against the Bill had had more time for reflection they might come to a truer and juster opinion of the best mode of dealing with this difficult and complicated subject. Upon all these grounds therefore he implored the Government to concede his request that this Bill should be postponed until next Session. He thought it better to make this appeal before the House entered upon the merits of the Bill, because it was undesirable that they should pledge themselves to a great principle either for or against the Bill, unless they were sure they saw their way clearly to go through with the Bill, and had all the adjuncts for fairly discussing it. It would be more just to the subject itself that hon. Members should not be asked to pledge themselves to the second reading with the understanding that the Bill should not go further during the present Session. Such were the reasons that had induced him to take this unusual course. He believed he had entirely abstained from giving an opinion upon the various provisions of the Bill. He had only endeavoured to show that there must be very lengthened discussions upon the Bill, and he hoped the Government would allow it to be postponed.

SIR GEORGE GREY: The right hon. Gentleman in the concluding sentence of his speech has anticipated the remark with which I wish to begin the few words I have to say, when he expressed an opinion that the course he was taking was an unusual one; I believe that it is not only a most unusual, but also a most inconvenient course. When the order of the day for the second reading of the Bill was read, my hon. and learned Friend the Attorney General rose. [Mr. Henley: I did not see him.] He gave way to the right hon. Gentleman, but he rose for the purpose of making a complete statement to the House, not only of the principle of the Bill and its effects and general purport, but also of the grounds upon which the Government have resolved to ask the House to consent to the second reading and to the further progress of the Bill. The right hon. Gentleman rose according to notice to move that the order for the second reading be postponed for a month, no doubt believing that if the House agreed to that postponement the Bill would be postponed to another Session. The notice was therefore equivalent in its effect to that given by the hon. and learned member for Dundalk (Mr. Bowyer), who had given notice that he should move that the second reading be postponed for six months, although I presume that the object of the right hon. Gentleman in distinguishing himself from the opposition of the hon. and learned Gentleman (Mr. Bowyer) was that he might guard himself from expressing an opinion against the Bill. The right hon. Gentleman stated that he would not enter upon the principle of the Bill, and, passing by the principle of the Bill, and leaving the House in doubt whether he would assent to it or not, the right hon. Gentleman entered into a minute detail of some of the provisions of the Bill, and addressed to the House a speech which would lead to a discussion of matters that could only be properly discussed in Committee. This is an extremely inconvenient course to pursue, and I must therefore beg the House not to follow the example of the right hon. Gentleman by entering into the discussion of matters of detail. I shall myself abstain from taking that course, and I trust my hon. and learned Friend the Attorney General will not address the House upon this subject until he is about to move the second reading of the Bill, when he will be prepared to enter into a full statement of the nature of its provisions. In the observations which I am now going to make, I shall content myself with simply replying to the reasons which the right hon. Gentleman (Mr. Henley) has urged against the further progress of this measure. The first objection which the right hon. Gentleman has advanced—and which I must confess appears to me to be one of rather an extraordinary character—is, that if we proceed with the Bill we shall run the risk of legislating in a hasty spirit. Now, if this were the first Session of Parliament in which a measure of this nature had been introduced, and if no previous inquiry with respect to the question with which it proposes to deal had taken place, I could understand the force of the right hon. Gentleman's argument. But what are the facts which the right hon. Gentleman himself has laid before the House? Why, he admits that there have been repeated inquiries instituted into this subject; that Bills in reference to it have been upon more than one occasion submitted to the other branch of the Legislature; that they in that assembly received the most minute attention, and that several alterations have been made from time to time in their details, thus proving that they did not meet with a merely cursory consideration. The result of that consideration has been that a measure to amend the law of divorce has at length passed through the other House of Parliament, and I cannot help thinking therefore, that, taking these circumstances into account, we are about to enter upon the discussion of this question with all the advantages which the fullest inquiry is calculated to confer. If the argument of the right hon. Gentleman be of any weight at the present moment, it would be of equal if not of greater force next Session, for he would then be able to add a fourth to the list of rejected Bills on this subject, and I trust the House will not be led away by it to assent to the postponement of the Bill. The right hon. Gentleman has, however, urged another objection to the further progress of this measure. He says we are near the end of the Session, and that we ought not in consequence to proceed to legislate upon a subject so important as that under our notice. Now, for my own part, I cannot regard it as being of much consequence at what period of the year a question is submitted to the consideration of the House provided there is a sufficiently numerous attendance of its members, and although our benches may just now be somewhat deserted, yet that is an usual occurrence at this hour (a quarter past eight o'clock), and one which by no means contravenes the fact indicated by the division lists—that the attendance of hon. Members is quite large enough to justify us in dealing with any measure, however important it may be. Her Majesty's Government have deemed it their duty to propose this Bill to Parliament; it has received the deliberate attention of the other House, and it would, I may add, be a matter of great regret that this House should come to a determination which would have the effect of perpetuating for some time longer those scandals in the existing law which it is the object of the Bill to remove. I fear that if hon. Members come to that conclusion there is but little prospect that the measure will meet with a more favourable reception in a future Session, while it is not improbable that, whatever the nature of the Government proposal next year may be, we should find the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), voting in favour of a Motion such as that which the hon. and learned Gentleman the Member for Dundalk (Mr. Bowyer) has given notice that it is his intention to make. If the right hon. Gentleman should be of opinion, after he has heard the details of the Bill explained, that its further consideration ought to be postponed, he might propose an Amendment to that effect. That would be the proper course for him to have taken, instead of anticipating, as he has done, all discussion of the measure. I hope, however, that the House will not concur in the view which the hon. and learned Gentleman has advocated, but that they will consent to enter at once upon the discussion of a Bill by means of which Her Majesty's Ministers earnestly expect that a remedy may, during the present Session, be applied to the scandals of the existing law of divorce.

Mr. GLADSTONE: I think my right hon. Friend who has just spoken hardly himself conceives that there is much force in the objections which he has urged to the course which the right hon. Gentleman the Member for Oxfordshire has taken. My right hon. Friend seems to be of opinion that it is most undesirable that the scandals of the existing law of marriage should be permitted to continue for another year, but I must confess I scarcely know what those scandals are to which my right hon. Friend refers. If he alludes to the defective state of our law with respect to the protection of the wife and the husband, respectively, in regard to their earnings and property under the circumstances of a separation between them, then I admit that there are scandals arising from that cause, but I must at the same time contend that they are not of such a nature as would render the application of a remedy to them a work of very great difficulty, nor do I think they are at all affected by the Motion which the right hon. Gentleman the Member for Oxfordshire has submitted to our notice; for, if Her Majesty's Ministers aim at doing that which I frankly own and believe the people of this country, and among them the working classes, desire to see accomplished—namely, the securing a better protection for themselves and their families as regards their property in the case of the misconduct of the wife or of the husband respectively—then my right hon. Friend has it in his power to attain that end by pressing on our consideration simply and solely those portions of the Bill before us which have reference to that subject. Those provisions might, I venture to say, be pursued without difficulty even during the remaining portion of the Session, because they do not lead to any of the rocks, shoals, and quicksands with which the Bill as it stands is beset. My right hon. Friend, however, has perhaps in view another description of scandal which I grant exists, although I cannot help thinking its importance has been enormously overrated,—I allude to the scandal which is embraced in the fact that persons who have a certain amount of property at their command can obtain by Act of Parliament a dissolution of the marriage tie, while no such privilege is open to those who do not happen to be equally fortunate. Now that that is a scandal I do not mean to deny, but I am at the same time of opinion that the mode in which it should be dealt with is a question which demands the most serious consideration of the Legislature. That being the case, there is surely no pressing necessity for dealing with that question at the present moment. The circumstances out of which it arises do not operate during the recess, inasmuch as they altogether depend upon the passing of an Act of Parliament, and its consideration may consequently, without the slightest inconvenience, be deferred to a future Session. It, therefore, appears to me that the right hon. Gentleman opposite in urging the postponement of this subject has taken a perfectly legitimate course—in fact the most legitimate course; for, as I understand the right hon. Gentleman, he entertains some difficulty with respect to the proper mode of dealing with the matter in a legislative enactment. He does not appear to be disposed to deny that the whole question of the law of marriage may justly be submitted to the consideration of Parliament; but my right hon. Friend the Secretary for the Home Department seems to have some suspicion that the right hon. Gentleman entertains a latent determination to oppose anything and everything which the Government proposes, and has put upon his Motion a construction to which I do not think it is fairly liable. Is it not, I will ask my right hon. Friend, a possible state of things, that there may be many persons in the House of Commons who do feel that great difficulties exist in reference to the course which ought to be taken upon this subject? We all must be aware that it would be impossible to exaggerate those difficulties, and are we all bound to be so presumptuous as to think that we can at a moment's notice see our way out of them? Are our ideas of public duty so slavish and debased as to lead us to the conclusion that we should be justified in dealing with this important and sacred subject in accordance with those which are supposed to be the ordinary motives of Parliamentary operations with reference to the Government? It is a subject with respect to which our obligations, whatever they may be, are obligations affecting us in common as Christians, and which bear no relation either to our present or former political views. I do therefore trust that my right hon. Friend will not continue a discussion of this character by ascribing to the right hon. Gentleman the Member for Oxfordshire sentiments and views the existence of which he entirely disclaims. It is not fair of my right hon. Friend to say that the right hon. Gentleman, whatever may be the nature of the measure which may be submitted to Parliament next Session, would be found voting in favour of a Motion such as that of the hon. and learned Member for Dundalk. It is not worthy of my right hon. Friend to seek to withdraw this great question out of the atmosphere of conscience and reason, which is that in which alone it ought to be discussed, and to place it in the denser and fouler atmosphere of common political motives. For my own part, I frankly own that I entertain no doubt with respect to the main question which is involved in the present measure. I refer to the question of the true interpretation of the Christian law of marriage. I, however, feel it to be my duty at the same time to make upon my own behalf the very same petition which the right hon. Gentleman the Member for Oxfordshire has thought it his duty to present to our consideration upon his; and I contend it is but fair that we should have before us the necessary means of deciding upon and measuring the general wants and exigencies of the community before we proceed to legislate upon this most important subject. I have no desire that the legislation on this subject should be adapted to my views of Christian doctrine, but to the general wants and wishes of the country; and in my opinion, the sentiments showing the feelings of the country, the opinions of the classes most interested in the subject, such as the clergy, and the opinions of Members of Parliament, are all important elements in the determination of the subject, and should be allowed full opportunity for expression. I do not come here with a cut-and-dry system of opinions which I wish the House to give effect to, but to do my duty as a Member of Parliament in passing the best enactment which the delicacy of the subject will admit of, and which cannot be accomplished if the measure is brought forward under circumstances preventing the question from being properly discussed. My right hon. Friend says that the attendance of hon. Members is not such as to cause any apprehension that the measure will not be properly discussed. Now, if I thought that the attendance in the House during the last three or four days had been occasioned by hon. Members waiting to dispose of the Divorce Bill, I should entirely agree with him; but no one knows better than my right hon. Friend that it is not the Divorce Bill that keeps hon. Members in town. There is a question arising on Monday next which has much to do with the attendance of hon. Members. A matter has been depending within the last two or three days, and is not altogether disposed of, having reference to a possible conflict of opinion between the two Houses of Parliament. There is a question relating to the compensation of certain Ecclesiastical officers, and to certain Ecclesiastical Courts, which is not yet disposed of, and which has had a great deal more to do with the attendance of hon. Members in town than the present Bill. I believe that for the next few days hon. Members will keep together to discuss the Indian mutiny and the affairs of Doctors Commons, but that when these questions are disposed of, forty hon. Members of the House in office, and forty other hon. Members, actuated by unusual zeal, will probably be the only attendance left to dispose of the Divorce Bill. My right hon. Friend says that the right hon. Member for Oxfordshire has adopted an unusual course, but an unusual course is sometimes necessitated by unusual circumstances; and I ask the hon. and learned Attorney General to state on what occasion a Bill of this nature, magnitude, and gravity was ever before submitted to the House of Commons for a first consideration on the 24th of July. My right hon. Friend says that we should consider the various inquiries and discussions which have taken place in the House of Lords as a proof that the subject has been brought to something like maturity; but he has entirely misunderstood the right hon. Member for Oxfordshire. If it were true that those discussions and inquiries had all moved forward in one uniform line, advancing slowly but certainly, undoubtedly there would be something in what my right hon. Friend said; but the case is exactly the reverse. The upshot of the statement of the right hon. Member for Oxfordshire was, that those discussions and deliberations had not exhibited a movement of uniform progress, but an uncertain, fluctuating, and "wabbling" movement, showing an absence of any clear and fixed principles. Consequently, the multitude of alterations and the very discussions which have taken place elsewhere are arguments to show that this is for us an unsolved problem, and that if we go into debate upon it we go without assistance from the labours of those who have preceded us. The House should, therefore, take care, if it entered upon the consideration of the Bill, to do so, under such circumstances, in respect to time, as would enable it to arrive at a clear and satisfactory conclusion. Whatever discussions may have taken place elsewhere on the subject, this, at least, is the first time on which the House of Commons has been called on to entertain for the purpose of debate the question of the dissolution of marriage. I grant that for four or five years the subject has been in some sense before the country —that is to say, it is true that Commissions have been issued by both Houses, and the measure has been discussed by the House of Lords, but that discussion is of very little practical importance. According to my experience, nothing is practically before the country until it comes to the House of Commons. No doubt the Bill has been ably discussed in the House of Lords, but the country took no notice whatever of those debates. I am not offering a mere arbitrary opinion, but giving the results of experience. There were no petitions sent to the House of Lords, nor was any anxiety exhibited out of doors. There were, to be sure, a couple of stray pamphlets on one side or the other, but mark! what was the case when the Bill came to the House of Commons? From that day our table has groaned with an increasing number of petitions. In the Lords there was no demonstration on the part of the clergy, but now, Sir, there has been put in your hands a declaration, which has been prepared and signed in the course of ten or twelve days by about 6,000 clergymen, and that declaration is receiving hundreds of fresh signatures every day. The names of these clergymen bear most unequivocal testimony that they do not consist of one party only in the Church, but show that those who have signed the declaration represent the general mind of the clerical order on this subject. Therefore, it is a fact that it is only now, when the Bill has come down to the House of Commons, that the country begin to believe that the Bill is practically before us as the subject of a legislative enactment. It is not difficult to understand why the country should have been sceptical as to changes of the law respecting ecclesiastical jurisdiction. We have cried "wolf" a great deal too often. For the last twenty-five years Bills respecting ecclesiastical offices and jurisdiction have been brought in every year or every two years, until at last their introduction appeared to be a mere formula, to be followed by another formula—their withdrawal. No doubt within the last two or three weeks there have been evidences of a strong feeling in the country with respect to this Bill. Two petitions have been sent to me, one signed or approved by every person of mature age in the parish from which it proceeded, and the other signed by almost every Churchman and Dissenter in the place. I do not mention this as a reason why this Bill should be rejected, but as a reason to show that there is a feeling abroad which on a subject so sacred and tender should be treated with deep respect by the House and Government, and why we should take no step in a matter of such awful and immeasurable responsibility without being assured that as rational and responsible beings we have given ourselves every advantage with the view of arriving at a proper conclusion. The right hon. member for Oxfordshire has been accused of dealing with the details of the measure. I do not know on what ground, or how he could have taken a different course; for he wished to show that there was an immense mass of work to be done, and he wishes us to do it in a workmanlike manner; and I also say that we must not allow ourselves to pass a hasty and slovenly Bill in this matter. It is dangerous to play with edged tools, and we should indeed be playing with edged tools if we pierced the heart of the country on such a subject as the law of marriage. We must have time to consider the points of importance arising on such a Bill. I will not discuss those points, but, notwithstanding the anathema of my right hon. Friend, I must refer to some of them to enable the House to obtain a true appreciation of our position in being summoned on the 24th of July to enter for the first time on the consideration of this question. In the first place, it must be recollected that the proposal made is not only to effect a change in a most ancient system of law, but is a proposal to adopt a new system, entirely without precedent in the legislation of any country. If the Bill gave but two alternatives—one, the indissoluble marriage, to which we have adhered since England was England; the other, dissoluble marriage, well understood, carefully limited, sustained by the clear authority of learned men, and the legislation of other countries —the ground would be much cleared and simplified; but there is not a country which has legislated with a view to make marriage dissoluble which has legislated in the same manner. The proposal is one of a perfectly novel character, not only with respect to the law of England, but also as regards the law of Christendom; it is one which never to this hour in the history of the world has been adopted. It is opposed to the law of the Church; to the law of nature, and to the law of God; and, whether good or bad, was one upon which the wit of man had never been able to hit before. The law of no country has ever made marriage dissoluble but upon principles far wider than those which are now proposed for our adoption. It may be said that is a proof of moderation. Well, I will not dispute the fact that it is a proof of moderation on the part of the framers of the Bill, and of the Commissioners, who must be regarded in a great degree as being responsible for this Bill. It may, I say, be a proof of moderation, but I am not here to bring an indictment against the framers of the Bill for want of moderation. What I want to know, among other things, is this:—In making a change in the law upon a subject of such great importance, what prospect is there of any stability under the new system which is now proposed? As I have said, it is a system which has never been adopted by any portion of Christendom, whether by Roman Catholic countries, by countries professing the religion of the Eastern Church, or by Protestant countries, and I must confess that that appears to me to be a very good reason, among a multitude of other reasons, why time should be afforded to us to see what we are about. I will venture to say that we are not at this moment even provided with the requisite information to enable us to legislate. The observations of the right hon. Gentleman opposite with reference to one point struck me as being of immense importance. If the right hon. Gentleman had not raised the question for which he is now censured by my right hon. Friend, if we had passed the Bill in haste—and it would no doubt have been convenient for the projectors of the Bill if we had done so—what should we have done? Why, Sir, as the right hon. Gentleman has pointed out, on the pretext of legislating for the poorer and middle classes, we should have deprived those very classes of the facilities which they now enjoy with regard to matrimonial suits through the medium of the local courts. Let us look at the nature of the ground upon which we are treading. Why, Sir, it is most dangerous ground, full of snares and pitfalls. This Bill has been discussed for two months in the House of Lords, where all the eminent talents of the great legal authorities of that House were brought to bear upon it, and yet they never found this point out at all, and it was reserved for the patient industry and acumen of the right hon. Gentleman to discover that, while we were pretending to legislate for the poorer and middle classes, we should, in point of fact, by the centralization of the courts deprive those classes of the juridical remedies in suits upon marriage which they had hitherto possessed. I had some short time ago the honour of a conversation with the right hon. Gentleman upon the subject, in the course of which he mentioned that point to me, and I was therefore led to endeavour to ascertain how the case stood in Scotland. We have in this country at present no means by law of dissolving the marriage tie, yet the poorer and middle classes have the means of effecting a judicial separation, that is to say, of placing the ordinary obligations of marriage in a state of abeyance on account of the misconduct of either of the parties. Our system, as contrasted with that which obtains in Scotland, is this—that where we have local courts to administer a limited law, Scotland has a centralization of courts, which administer not a limited law, but the jurisdiction of which extends to the dissolution of marriage. Now, that being the case, what would have been more natural than to have inquired into the state of facts in Scotland, in order to ascertain what would be the probable result of centralizing all our local courts in London? It is true that, as regards Scotland generally, Edinburgh is an easier place to resort to than London is as regards England; but it is unnecessary to dwell upon that; what we want to ascertain is, the expediency of enacting that all matrimonial suits shall be carried on in London instead of being spread over thirty local courts in different parts of the country. Well, Sir, after the conversation which I had with the right hon. Gentleman, in which, as I have stated, he pointed out the positive restriction which this Bill would place upon the poorer classes, I endeavoured to ascertain how matters stood with regard to Scotland, and I wrote to the Lord Advocate upon the subject. That learned Lord then told me that he could inform me as to the number of divorces, but he could not give me any information upon the point with regard to which I chiefly sought information, and that was as to the *habitat* of the parties. I found, however, from an Appendix to the Report of a Commission which sat in 1853, that 100 divorces had taken place within the preceding six or eight years. In that Appendix the names of the parties are given in most cases, and their residences stated, not in all but in nearly all of them, and as far as I can recollect not one of those divorce suits came from a remote part of Scotland; and, in point of fact, it appears, from the information which I was enabled to obtain, that the Scotch law of divorce is not a law of divorce for Scotland, but for Edinburgh and Leith, and the immediate neighbourhood of those towns, and certain other towns which are within cheap and easy access to them, and that the bulk of the population in the northern and western parts of Scotland are wholly precluded from instituting matrimonial suits on account of the system of centralization. Now, with facts like these before us, is it right that we should proceed hastily and without due consideration to establish one court in England in lieu of those which already exist? I know that legal reformers draw schemes upon paper, and view them as a mathematician views a neat problem; they create a well-arranged court, competent judges, well-paid advocates, and satisfied suitors. But here is a practical point involved, and I have mentioned these facts to show the importance, as affecting the rights of the poorer and middle classes, of the proposal for establishing a single central court, instead of a number of local courts spread through the country. The population of Edinburgh and Leith is about one-twentieth of that of the whole of Scotland, so that they ought to have about one-twentieth of the divorces if the business of the courts were equally distributed. But by the return contained in the Report of the Commissioners to which I have alluded, it appears that, instead of one-twentieth, Edinburgh and Leith, without speaking of the neighbourhood, furnish one-third of the whole of the divorces that take place in Scotland. That fact alone is enough to show that the question of local Courts is a question of vital importance as regards this Bill. Do not let me be told that we can make these courts local afterwards, for it appears to me that one of the clearest axioms which can be applied to this subject is, that we cannot be perpetually tampering with the law of matrimony. Establish what you think will be a good system, but do not be, in a subject of this kind, continually and perpetually making changes. My right hon. Friend appears to think that the right hon. Gentleman opposite has made a speech which ought to have been reserved to the second reading of the Bill; but I can assure him that if the Bill comes to a second reading he will be entirely undeceived, and he will find an abundance of material produced quite germane to the second reading, but which ought not to be touched upon on the present occasion. There are many matters connected with the Bill which, although not strictly speaking matters of detail, can only be properly considered in Committee, and when we go into Committee we shall have to consider whether we shall establish for England a system such as no other country in the world has ever seen, or whether we shall adopt some one of those systems which have the sanction of legislation elsewhere; whether we shall confine divorce to adultery alone, or whether we shall extend it to other causes which the judgment of men as wise as we has considered worthy of it. One authority has been cited to induce us to adopt the principle of this Bill—the *Reformatio Legum.* Now, it is true that the *Reformatio Legum* does say that there may be a divorce on the ground of adultery; but it does not stop there, for it also assigns many other causes for a divorce; and how, therefore, can a man who relies upon the *Reformatio Legum* as an authority for divorce on the ground of adultery refuse it upon the other grounds therein authorized? Again, the *Reformatio Legum* proceeded upon the principle of an equality of rights between the sexes with regard to a right to divorce; and, for my own part, I shall always in my place assert the principle of equal rights. It is impossible to do a greater mischief than to begin now, in the middle of the nineteenth century, to undo with regard to womankind that which has already been done on their behalf, by slow degrees, in the preceding eighteen centuries, and to say that the husband shall be authorized to dismiss his wife on grounds for which the wife shall not be authorized to dismiss her husband. If there is one broad and palpable result of Christianity which we ought to regard as precious, it is that it has placed the seal of God Almighty upon the equality of man and woman with respect to everything that relates to these rights, and I will offer the utmost resistance to any attempt to induce this House to adopt a measure which I believe would lead to the degradation of woman. Then there is the question—Is adultery to be made a criminal offence? Besides that and the other questions I have touched upon—as for instance, are we to have one central court only, and limit the facilities for divorce to London and its immediate neighbourhood—comes a whole family of questions when we touch upon those subjects which we dealt with in the numerous petitions which have been presented to the House. It is a point which has been much debated, whether we are bound to frame the legislation of this House upon the law of Scripture. I will not enter into that question at the present moment. It is one of great solemnity and difficulty; but I will say, it appears to me that by this Bill we are dealing with an unprecedented levity with matters which do not belong to us. I do not speak simply of the consciences or interests of the clergy, although I think the views of the clergy, as a class, are entitled to much weight with regard to a question of this description. I speak of the religion which we entertain, and I do say it is a matter of the deepest consequence to take care that in our legislation with respect to matrimony we do not offer profanation to that religion by making its sacred rites—designated by apostles themselves with the very highest appellations—the mere creatures of our will, like some turnpike trust or board of health, which we can make to-day and unmake to-morrow. I am quite certain that in this House, where all classes of the community are represented, it will be felt that the religious element in this question ought not to be under-estimated. I do not assume, however, that the religious part of the question is to be conclusive upon your whole proceedings. You have established in this country a system of civil marriage—marriage contracted before the registrar, apart from the special sanction of the Christian religion—and whether or not you choose to introduce as a counterpart of that civil marriage a civil divorce and a civil re-marriage is, in my opinion, a question of the utmost gravity and importance. I venture to say you cannot pass the Bill as it stands with reference to the clergy. I appeal not merely to the people of this country or to this House, or to any party in this House, but I appeal to the Members of the Government themselves. I am quite convinced their own feelings will teach them that some alteration must be made in the religious bearings of the measure. You must provide that the ecclesiastical law shall remain untouched. You must provide a civil form of divorce and re-marriage which does not touch religion at all; but these are questions of the utmost gravity and difficulty, and we ought not to be asked to approach them for the first time on the 24th of July. Fault has been found with the right hon. Member for Oxfordshire (Mr. Henley) because he has raised this question. It appears to me that the right hon. Gentleman—not altogether concurring with the hon. and learned Member for Dundalk (Mr. Bowyer), has pursued a wise and judicious course. He did not wish to commit himself to an entire and absolute opposition to this Bill. I am on some points more strongly opposed to it than he may be, but there are many important provisions of the measure which I should wish to consider carefully and maturely. I put it, however, to the House, without any distinction of party or creed, whether at this period of the Session, when it is certain that after a few questions of political interest have been disposed of our benches will be empty, it is fair or just to call upon us to deal with such a subject? By the Motion of the right hon. Gentleman the question of time is submitted to the House in a form completely distinct and separate from the merits of the Bill; and so that when we go to a division it may be well understood that those who vote with him for the postponement of the measure give no vote against any principle involved in it, but merely vote in favour of deliberate legislation, and in opposition to a course of proceeding which I think—and I hope the House will think—both rash and dangerous.

Mr. BOWYER said, he was anxious to say a few words in support of the Amendment of the right hon. Member for Oxfordshire, which appeared to him to recommend itself to the prudence, wisdom, and good sense of the House. The title of the Bill was, "An Act to amend the Law relating to Divorce and Matrimonial Causes in England." It might be supposed from the title that the Bill did not affect great principles but related merely to the mode of procedure. He had, however, looked through the Bill to see what it really contained, and he had been quite startled by its provisions. They had heard much about the principle of the Bill. No doubt if there was one thing in the Bill more dangerous than another it was the principle of the dissolubility of marriage. That, indeed, might be called the principle of the Bill, from its pre-eminence in danger. The measure also proposed an important change in the criminal law of the country, and contained provisions constituting a new offence. Never since the jurisprudence of this country existed had adultery been dealt with as a criminal offence, except for a short time during the Commonwealth. Again, it sought to make a change in the ecclesiastical jurisprudence of the country which had never been recognised or permitted since England was England. It altered the most fundamental portions of the ecclesiastical law as it bore on the social state. That alone involved a great principle, and would require long and mature deliberation in that House. It further altered the civil law of property, too, inasmuch as it contained provisions affecting in that respect the relations between husband and wife. It also introduced changes touching the religious feelings and principles of the community. It raised to be decided by this House, with but scanty means of information, a question worthy to be decided by the greatest ecclesiastical assembly which ever existed in the world. He had no hesitation in saying that this Bill contained matter for three or four measures, which ought to be discussed separately on their own individual merits. They had all those different subjects dependent on different principles, and raising questions affecting the religion and morals of the people and the practical relations of society, jumbled into one Bill, and they were asked to discuss that Bill on the 24th of July. He had no hesitation in saying that all the available days before the close of the Session would not suffice for the discussion of the details of the measure in Committee. The right hon. Gentleman opposite (Mr. Gladstone) had, in a speech of the most suggestive character, raised points of the greatest interest and importance, which would all require sifting and discussion in Committee, and unless they were carefully sifted and decided after the most mature deliberation it was impossible the House could do otherwise than inflict upon the country a piece of legislation fraught with danger and mischief. He would suggest that the Government would do well to withdraw the Bill, and reintroduce it into that House, and not the House of Lords, at the commencement of the next Session, when time would be given for that full discussion which its gravity demanded. The debates on the Bill in the House of Lords showed a degree of vacillation which rendered them unsafe for the House of Commons to follow. He would, however, frankly own that he himself regarded the principle of the Bill as most mischievous and one which they could not with safety adopt, but he thought that before the House decided on the dissolubility of marriage, — they ought to assemble their Church and have the benefit of the opinions of its clergy upon it. He did not belong to their Church, but he must say they were treating their Church badly in this matter. The Bill dealt with a question of the Divine law, and they had a statute of Henry VIII. which declared that this country was divided into the temporality and the spirituality, and that to the latter belonged the consideration and decision of spiritual matters. If they were consistent members of their own Church they would not ignore a declaration like that which was written in their statute book. If an opportunity were afforded for the clergy giving an expression of their opinion on a point which many hon. Members thought clear — namely, whether it was competent for Parliament to establish this system of divorce, they would hear what they thought upon such a question. He would appeal to the declaration which had been signed by 6,000 of their Protestant clergy, to the effect that this Bill was a move in the wrong direction ; and on the grounds he had stated he would call on the House to assent to the Motion of the right hon. Member for Oxfordshire.

The SOLICITOR GENERAL said, that if anything could demonstrate the inconvenience of the course taken by the right hon. Member for Oxfordshire it was the circumstance, that although every speaker protested against discussing the principles of the Bill, the opinion of each was pretty clearly made known, not only as regarded the principle but even as regarded the details of the measure. He believed that there was but one great principle to be discussed in this Bill, and that was the dissolubility of marriage as a part of the law of the land. That the present state of things was productive of great evils few could doubt. He believed, notwithstanding all that had been said to the contrary, that the voice of the country was decidedly in favour of the change meditated by this Bill. If great public evils existed in this matter, of which there could be no doubt, surely it was of importance that they should proceed with the discussion of a Bill which sought to apply a remedy. He did not think it was quite competent for his right hon. Friend the Member for Oxfordshire to raise the question of time just as his hon. and learned Friend the Attorney General, on the part of the Government, was about to lay before the House the principles on which the Bill was founded, and the necessity there was for passing it into a law. It was an advantage usually accorded, not merely to the Government, but to any private Member, that he should have the opportunity of explaining the necessity which existed for a Bill which he had introduced, and the manner in which it proposed to remedy the evil with which it was to deal. On this occasion, however, the right hon. Gentleman had, with the skill of a practised debater, interrupted that explanation, and had without any foundation sent out to the country notions and ideas calculated to enlist a most influential class against the Bill. He admired the skill of his right hon. Friend—and he was well followed up by the right hon. Gentleman the Member for the University of Oxford—when he said that the local courts were about to be interfered with, and thus sought to excite again the measure the hostility of that powerful and influential class which was interested in the local jurisdiction of the country. This allegation of centralization he supported by stating that during three years there were 101 matrimonial suits, of which forty-six were decided in the country. How these cases were distributed, and whether the parties to them were really members of what the right hon. Gentleman called the lower orders, who were, according to his account, to be deprived of some benefit by this Bill, the House had no means of knowing, and therefore it might, he thought, abstain from entering into this question at this stage of the measure. It was said that the debates upon this subject showed that the mind of the House of Lords was so fluctuating and vacillating during the progress of this Bill, that it could not be said to have come to this House as a measure which had been previously considered and recommended by persons qualified to deal with the subject. For his own part, partial as he naturally was to the House of which he himself was a Member, he could not agree with the right hon. Gentleman (Mr. Gladstone), who had made so light of the discussions of the House of Lords on this measure—these repeated discussions following up the Reports of Commissions. The right hon. Gentleman said that this question had not engaged the attention of the country, but he (the Solicitor General) would say that it had engaged the attention of the country for years, and the discussions upon it in the House of Lords, supported as they were by great lawyers, assisted by bishops on all ecclesiastical questions—these elaborate and repeated discussions in the House of Lords were not to be so lightly treated. He therefore trusted the House would not agree in the statement of his right hon. Friend, that the mind of the House of Lords was not settled on this question. The right hon. Gentleman the Member for Oxfordshire had made frequent allusions to the details of the measure, but to the principle he had made no reference. What he said was, that the details of the Bill were likely to excite much attention and to lead to considerable discussion, and therefore he would prevent the Attorney General from explaining to the House the scope of the measure and the grounds upon which it was brought forward. This was not a convenient and hardly a fair course to adopt. He could have understood such a course being taken after the principle had been affirmed by the Bill being read a second time; but at present he submitted that the Motion of his right hon. Friend was, to say the least of it, premature. When the details of the measure were examined, it would be found that they presented but few points for discussion. Even the ingenuity of his right hon. Friend would be taxed to discover more than six or seven, and he therefore hoped that the House would negative this Motion, and would allow the Attorney General to lay before them the grounds upon which this Bill was brought forward, and the means by which it proposed to effect the object for which it was introduced, and then the hon. and learned Member for Dundalk (Mr. Bowyer) might take the sense of the House on the principle.

Lord JOHN MANNERS said, that both the right hon. Gentleman the Home Secretary and the hon. and learned Gentleman the Solicitor General had made a matter of accusation against his right hon. Friend, that he rose at the moment of which he had given notice in order to make his Motion, and that it was not right in him to have interrupted the statement of the Attorney General. But those hon. Members had overlooked the fact, that it was the avowed intention of his right hon. Friend to prevent the Attorney General from entering into his explanation of the Bill. The Solicitor General had said that this was a most improper course to pursue, because there was only one great principle involved in the measure. Admitting, for the sake of argument, that that was so, yet what was said on both sides of the House was, that that principle was of so much importance, that it touched so deeply and so nearly the best affections of the whole people of this country, that they could not permit it to be discussed at the fag end of an exhausted Session. The hon. and learned Gentleman went on to say, that it was a perfect misconception on the part of the right hon. Gentleman to think that the feeling of the country had been pronounced in any way against the Bill; on the contrary, he asserted the scandal of the present system to be so great, that the feeling of the country was eminently favourable to some such legislation. Now, he would challenge the Solicitor General to support that statement by a reference to the petitions which had been presented to that and the other House of Parliament. He knew not what could have been crossing the mind of the hon. and learned Solicitor General when he was induced to make a statement so extraordinary. That very afternoon he had examined the list of petitions with reference to the Bill, and he ascertained that not one single petition had been presented in favour of it; while on the other hand, petitions in numbers—but not only that, petitions in numbers entitled to the most respectful attention of the House, from the station, the ability, the learning, the virtue of the petitioners—had been presented against the Bill, and would continue to be so long as it remained upon the notice paper. The hon. and learned Gentleman had also objected to the statement of his right hon. Friend that it was impossible to discuss this Bill and pass it into a law during the present Session. His right hon. Friend did not mean to deny that it was in the power of Her Majesty's Government, which boasted of a majority said to be unexampled since the days of Mr. Pitt, to force either this or any other measure down the throats of Members of that House, if they were so minded. What he said was, that it was both physically and morally impossible that the Bill should, in the few days of the Session which remained, be so discussed as to insure that deliberation, forethought, and care, which ought to be exercised before the House legislated upon this solemn and delicate subject. The Solicitor General had complained of the allusion made by his right hon. Friend the Member for Oxfordshire (Mr. Henley) to the matrimonial causes which had been decided in the various local courts throughout the country, and had stated that the House possessed no information with regard to those causes. Whose fault was that? If the Government thought it important that information upon those points should be laid before the House, surely it was their duty, as it was clearly within their power, to submit it before taking the discussion upon the second reading of this Bill. But, in point of fact, the Solicitor General was in error when he stated that the information in question was not in the possession of hon. Members, for if he referred to the Report of 1843, he would find the names of every one of those forty-eight causes set forth in detail. The statements of the Solicitor General showed conclusively that even the law advisers of the Crown were not prepared on the 24th of July to discuss fully, freely, and fairly, the very measure which they told the House they were so anxious to pass. If the Solicitor General was thus uninformed upon some of the points which he said were essential to the due discussion of this Bill, it might be permitted to hon. Members to say, with great respect, but with equal firmness, to Her Majesty's Ministers that they would not be dragged into a discussion at the end of a Session upon one of the most solemn and awful subjects which could be submitted to the consideration of any Christian Legislature. What they said to the Government was this, "Take back your Bill, and re-introduce it, if you please, when Parliament meets in another Session; we shall then be prepared to consider it free from prejudice or bias; but we are determined not to be forced at the last moment to discuss a measure which the other House, indeed, have had ample time to discuss, but which the more they discussed the more they showed that they were uncertain and perplexed as to its practical operation." If the Government would not take back the Bill they must be prepared to hear hon. Members assert their right to oppose it by every legitimate means within their reach; and he hoped he was saying nothing that would be regarded, even by the Home Secretary, as rude and informal, when he asserted his belief that those who wished the Bill to be postponed till another Session had the power to make good their claim not thus hastily, unwarily, and without due deliberation, to be compelled to alter the settled law of Church and State upon the subject of matrimony in England, and to bring that law into direct collision with the revealed Word of God.

LORD STANLEY said, it was curious that those who asked for more time to deliberate were precisely those who, either in express terms or by the whole tenour of their observations, implied that, as far as they themselves were concerned, all deliberation was superfluous. He understood the opposition of those who said that they had not made up their minds upon this question, which was one of great importance, and therefore asked for time to consider it; but he did not understand those who said that they had considered this question, that they entertained the strongest opinion upon it, that they intended to oppose the Bill at every stage, and therefore they asked for further time to deliberate. The House had been told that they had arrived at the end of the Session. He wished he could think that they had; but quite irrespective of this Bill or any other public measure, he was afraid that those who were acquainted with the state of business "upstairs" knew too well that they had enough to keep them for several weeks to come. There were several important Committees which had not yet reported; some had not finished their evidence, while some had only just commenced their labours, and there was a large number of election petitions still to be tried. Now he believed the common feeling was, that it would be most undesirable to postpone these, together with some other subjects which had still to be investigated, to another year. Although he sympathized with those who wished an early release from their Parliamentary duties, yet in fairness to the public they were bound to remember that, though the Session commenced at the ordinary time, there had been an interruption of nearly two months in the business of the year. With respect to the complaint that ample notice had not been given, he begged to ask whether it was not a fact that this measure had been before the public sufficiently long to enable them to judge of and decide upon its merits. He said nothing of the Report of the Commission published some time ago, because, although that Report had been extensively criticised in its original form, it might not have passed generally into the hands of the public; but a Bill of a similar character was introduced last year, when the whole subject underwent much discussion in the other House; it had again undergone a very full discussion in the present year; it had been considered by those who were regarded as the highest legal and ecclesiastical authorities, and, whatever skill and ingenuity of debate might be brought to bear upon it in that House, he thought that after what had taken place it would not be easy to raise any objection, or to offer any suggestion which had not already been advanced elsewhere. The main reason, however, why he should urge Ministers to persevere, was that he believed the measure to be essentially one of principle rather than of detail. A certain amount of detail was no doubt necessary for the carrying out of any great principle ; but they were aware that what lay at the bottom of the opposition which was offered to this measure was a fundamental difference of opinion among hon. Members of that House and the public at large with regard to the theory of the subject with which the Bill proposed to deal. The one broad principle at issue was this, whether by the law of the land marriage was dissoluble for any cause or not. That was a question upon which he believed a majority of those who had the honour to hold seats in that House had more or less formed their opinion, and he did not think it was very likely that any considerable change of that opinion would be produced by debates. It was neither customary nor convenient to go into the details of a measure which was in reality not before the House, or to discuss its principle ; but, as the subject had been referred to, he might be allowed to say one word as to the state of public opinion. A great deal had been said of a certain number of petitions—chiefly originating, he believed, with clergymen, but in some degree with laymen also—in opposition to this measure. Now, upon a reference to those petitions it would be found that the great mass of them turned not so much upon the general principle of the Bill as upon one clause proposed to be introduced, which placed a compulsion upon the clergymen of the Established Church to which many of them objected. That was a fair matter for discussion, and hon. Members would no doubt be ready to express their opinions upon it when the proper time came ; but it referred to the details of the Bill, and not to its general principle. Again, the fact that the movement in opposition was more active than the movement in support of the Bill admitted of a very simple explanation. The Bill had passed that branch of the Legislature in which perhaps some persons thought it stood in most danger. It was avowedly supported by the whole strength of the Government. Those hon. Members who were in favour of it entertained, therefore, but little fear of its failure, while, on the other hand, those who were conscientiously opposed to it were stimulated to more active exertions even by the probability of those exertions being unavailing. Moreover, when they looked back upon the history of the Session, it did not seem that they would have so much to show for the time they had sat that they could afford to throw away the result of the labours of the other House. Unless this Bill and the one for transferring the ecclesiastical jurisdiction became part of the law, he did not believe they would have anything to show in the way of reform, and sure he was that a large section of the public would see with regret and disappointment the Government or the House obliged to postpone a measure which it was in their power to pass.

Mr. NAPIER said, that if the only principle which they had to discuss was whether marriage was dissoluble on the ground of adultery, he was prepared to admit that it was ; but the Bill proposed to deal with a relation of divine appointment, and he thought therefore that the utmost caution and deliberation should be observed in the passing of this measure. A large proportion of the people of Ireland thought that marriage was a sacramental engagement. They all agreed in thinking that those relations were of Divine appointment, and their duties and obligations were to be measured by the word of God. By the common law marriage was indissoluble, and consequently there were a vast number of delicate, difficult—and most important questions to be encountered in carrying out the principles of this Bill. The noble Lord who spoke last adverted to the discussions which had taken place in the other House, but nobody could have attended to those debates without having his mind thrown into the greatest confusion and perplexity. There were many members of the Roman catholic church whose opinions would be most valuable, and he should have been very glad if he had been able to ascertain the views of the bishops and clergy of his own Church, and the opinion of his constituents, whom he was generally in the habit of consulting. He stood there, however, in a peculiar position, not having had time or opportunity for consulting any of his friends upon this subject. The Bill was one which would make vast changes in the law of the land ; it would make one general law for the whole kingdom wholly at variance with the system which prevailed at present in various parts of the country. He found that an able jurist and eminent statesman, Sir J. Mackintosh, had spoken of a similar measure in the following terms :—

> "To make dissolution of marriage in proper cases alike accessible to all is one of the objects to which in great cities and highly civilized communities it is hardest to find a safe road."

How would the Bill in its present shape affect the various portions of the kingdom? In Scotland parties committing adultery are not permitted to marry after divorce. This Bill would allow marriage. In Ireland a very large body of the people held that marriage was indissoluble, but the Bill would make it dissoluble. The obligations which the Bill would impose upon the clergy of those countries against their sincere and honest convictions he could not but consider, in these days of setting up every fanciful right of conscience, to be a piece of most odious and intolerable tyranny, To that portion of the Bill he should give his most uncompromising opposition. With respect to the question of dissolubility of marriage on the ground of adultery, he, as at present advised, should support the proposition, as he believed it was the only ground of divorce which was sanctioned by the Holy Scriptures. That, however, was not the only matter involved in the Bill. They were not now called upon to determine that as an abstract principle, for the Bill involved the great social problem as to how far it was safe to give facilities to divorce. Legislation upon that subject would touch the foundations of society, and would sanction by statute that which the common law of the land at present forbade. Then, again, as to the details of the Bill, there were a number of complicated arrangements of a most difficult nature, upon which he should wish to have the advice and judgment of those learned persons to whom he had before referred, but whom he had no opportunity of consulting. For instance, he thought that the person who committed adultery should be punished as a criminal; but there was a great deal of difficulty in legislating without direction, and on the other hand the sin in the members of one sex was greater as regards social consequences than in the other. A few evenings since a most important Bill—one affecting to a great extent the interest of the humbler classes—the Savings-banks Bill—was withdrawn because, as the noble Lord told them, "their days were numbered." Where was the noble Lord (Lord Stanley) on that occasion? Why did he not press upon the Government the fact that there was ample time left this Session to discuss that measure? For himself, he (Mr. Napier) was not hostile to the Bill, and wished to approach its discussion in a friendly spirit; but the question of permitting adulterers to remarry, and of compelling clergymen to perform such marriages, required more consideration than he had yet been able to bestow upon them, and his difficulties were not lessened by the circumstance than in the other House the greatest authorities differed from each other upon those points. Indeed protests had been recorded in the other House against portions of this Bill. Surely at that late period of the Session a Bill of this great importance ought not to be forced upon the House of Commons for immediate decision. The right hon. Gentleman had been blamed for taking the course he had; but, in fact, that course was the fairest that could be adopted, for had the Attorney General been allowed to make his statement without objection, the right hon. Gentleman could only have met the Motion by a direct negative. He (Mr. Napier) hoped the Government would yield to the moderate request for a further opportunity to be given for the consideration of this measure in another Session.

The ATTORNEY GENERAL thought that one result at which the House could not fail to arrive, after hearing the speeches of so many hon. Members, unquestionably must be, that never was there a body of men more profoundly able or better prepared than they were to discuss this measure in all its details. And yet what was the plea they brought forward? Their cry was "Give us time for consideration." Now, did the House think his right hon. Friend the Member for Oxfordshire (Mr. Henley) wanted more time? Was he ignorant of the subject to which the Bill related? Was his right hon. Friend the Member for the University of Oxford—whose knowledge and zeal and eloquence flowed forth so abundantly on this question—who boiled over, as it were, with arguments, while in the energy of his appeal eloquence exuded from every pore, was he an incompetent judge of the merits of this Bill? Was his right hon. Friend who last addressed the House, who had gone through the whole of the Bill and given his opinion on every point, unable to arrive at a sound conclusion? What was his plea? "Let me consult my constituents"—who, by the way, had been so indifferent to this subject, to which there was not an educated man in the kingdom who had not applied his mind—that they had made no communication of their wishes to the right hon. Gentleman. Then, said the right hon. Gentleman, if he understood him right, "Give me time to consult my spiritual advisers." But how long were they to give the right hon. Gentleman an opportunity to perform that great and conscientious duty? "You will not," said the noble Lord opposite (Lord J. Manners), whose tone and language had been an exception to the rest of the debate, "You will not thrust this measure down my throat, and though I won't stand here to deliberate over its provisions and consult with you as to its great object, I will, nevertheless, stop here till doomsday to carry on a dogged opposition to prevent you entering upon it." These were specimens of the policy of hon. Members of the House of Commons who wished to postpone this measure, to put off till to-morrow the reform of an abuse which had been called for from year to year, which had been discussed till there was not a writer, not a jurist, not a foreigner who visited our shores who had not pointed it out as a blot or a disgrace to our social system. And would the Members of that House consent to fold their arms and to put off the full consideration and discussion of this most important subject of domestic legislation the moment that it was brought under their notice? He begged the House to consider what was the proper course of proceeding with regard to this measure. If it had been brought first into that House they would have been told that it was an indecent thing to introduce such a measure without having first submitted it to the House of Lords, where there were right rev. Bishops most competent to decide and most interested (in the best sense of that word) in the question, and where there was a body of learned men who would have been safe advisers on so important a subject. Well, that was just what had been done, and the House of Lords had carefully deliberated on the question. They had considered it again and again, and had sent this Bill down to the House of Commons as the result of their deliberate judgment. Now, suppose the House of Lords was to treat measures sent from that House in the way the right hon. Gentleman the Member for Oxfordshire proposed to treat theirs, what would be the consequence? Let it be observed that the other House had considered this question year after year, and it was proposed that the House of Commons should refrain from deliberating upon it, refuse to benefit by their deliberations, and reject it altogether, or put it off till another year. Now, that House had had before it year after year the Testamentary Jurisdiction Bill, and what would be said if the House of Lords treated that measure in the same manner, notwithstanding that it had been again and again under the consideration of that House? Would it not be said that that was an obstructive policy? He would appeal on this question to the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). He (the Attorney-General) knew the candour of his mind. He told the country some time before the meeting of the present Parliament that he deprecated the dissolution because we should lose a year. He was sure the right hon. Gentleman did not desire to be a true prophet. He must rather desire that his prophecy should fail. This was one of the important measures of this short Session, and there was abundant time yet to consider it. He called on him therefore to appeal to his friends around him not to impede the progress of legislation on this subject. They one and all admitted the great importance of the subject, and all that was asked was, that they should consent to remain together for a short time to consider it. He pledged himself to the House that they would not find it a matter of great difficulty, or of much detail. He was unwilling to be dragged at the moment into a discussion of the principle of the Bill, but when the proper time came, though unable to do justice to the subject, he would endeavour to do something towards a clear explanation of the measure. In the discussion of the second reading every material topic could be fully considered. It was not a question of words, of doubtful paragraphs or sentences—it was a question of principle. It was not, however, a question of the introduction of a new principle, as the House had been told, without foundation. The Bill embodied nothing but what had been known to be the law of England for 200 years, save some humane provisions for rescuing married women from the tyranny to which they had been so long subjected. And why should they not proceed to consider such a measure, instead of spending time in deliberating whether they would deliberate or no? How unkindly had this interruption been! Had he been permitted to proceed with his explanation he would long since have concluded. There was no consideration, except that which he would not impute to the House—indifference to the discharge of a public duty—that could lead them at this particular time to decline entering upon this question. They had the benefit of the deliberations of the House of Lords and the benefit of great attention having long been devoted to the subject by many Members of that House, while they had the advantage of the House having been thoroughly awakened to a sense of its importance. He was not desirous that they should refrain from the consideration of any principle involved in the Bill, but he believed that one-half of the time which had been given to the discussion of the Testamentary Jurisdiction Bill would be more than sufficient for a full, abundant, and satistory discussion of this measure. He entreated the House not to put off till to-morrow a measure that had been so loudly called for year after year—not to postpone it till another Session, when other questions might intervene and prevent it getting its due share of deliberation. There was abundant time now. Let the House of Commons gird itself to the discharge of this sacred duty in the view of the observation of the country, and the country would sympathize with the Resolution.

Mr. MALINS said, he begged to express his decided opinion that there was not an abundance of time, for the purpose of discussion, and that nothing could be more unseemly than that the House, exhausted by the labours of the Session, should be urged in the present season and the present weather to proceed with a measure which affected the interests of every family in England. It was impossible that the Bill could be read a second time that night, as his hon. and learned Friend would not finish his statement before half-past one o'clock. The discussion would therefore be adjourned; but to when? Monday was appointed for the discussion on that most momentous subject, India, and that debate would not in all probability be finished in one night; Thursday, July 30, was fixed for the Testamentary Bill; then would the noble Lord give Friday, and the Estimates not yet voted? Of course he would not. Therefore, the adjourned debate could not come on before Monday, August 3, at the soonest. How long did the noble Lord intend to keep the House? How long could the House, exhausted by labour and the heat of the weather, preserve its strength or its intellectual faculties? [*a laugh.*] Hon. Gentlemen might laugh; but he (Mr. Malins) asserted that no man was equal to intellectual labours on such a difficult and important subject at the close of a heavy Session, and in such weather too. The House had laboured most assiduously, and had sat there night after night until two o'clock in the morning, so that its energies must of necessity be greatly exhausted. The right hon. Gentlemen, the Member for Oxfordshire (Mr. Henley) and for the University of Oxford (Mr. Gladstone), had raised questions of the greatest gravity and difficulty in reference to this Bill, and had shown most conclusively that it was a measure which required the greatest care and circumspection, and yet his hon. and learned Friend the Attorney General, with a degree of boldness unusual even for him, maintained that it would take but a very short time for discussion. As the right hon. Gentleman the Member for the University of Oxford had pointed out, this was the first time that the House of Commons had had this Bill before them, and it was not until it actually came down to that House that the public had begun to think that legislation was intended and had applied their minds to the subject. The noble Lord the Member for King's Lynn (Lord Stanley), said the question had been discussed fully in the House of Lords, and that that discussion would be thrown away if the House did not proceed with the Bill. He (Mr. Malins), held in his hand a document against the principle of the Bill signed by between 5,000 and 6,000 clergymen of the Church of England. The Bill, moreover, had taken two months to be discussed in the House of Lords. Was it decent, was it fair, was it just, for Her Majesty's Government to call on the House of Commons to decide upon one of the most important measures ever perhaps submitted to it, on the spur of the moment, and at the end of the Session, when their physical and intellectual powers were prostrated with protracted labour and the heat of the weather? He (Mr. Malins) felt oppressed with the difficulties of the question, and with being called on to deal with a subject of that magnitude and importance for the first time. So far from being prepared, therefore, to give it that deliberation which it demanded, he was satisfied that no discussion adequate to its importance could be had if the House sat until October, so worn out were they all with labour. The Bill ought to be withdrawn for the present Session and brought into the House at the very beginning of the next Session, when it would be debated as its importance demanded, and then the discussion which it had undergone in the other House would not be thrown away, as it was feared would be the case. His hon. and learned Friend (the Solicitor General) had pointed to what he termed a great blot upon the law of England, that a rich man could get a divorce at present, while a poor man could not. Many persons, however, were of opinion that riches could not produce all blessings, and it might be among the blessings of the poor man that he was not enabled to dissolve the marriage tie. It was most unreasonable to call on the House to discuss the Bill under such circumstances, and on these grounds he (Mr. Malins) urged the noble Lord, seeing the universal feeling of the House on the subject [*Cries of* "No!"]—he (Mr. Malins) repeated, seeing the all but universal feeling of the House ["No!"]—well, then, at all events, as there was such a strong feeling against the measure on his side of the House—not to press on the measure, unless he intended to keep them there till September, and to oppose himself to the sense of the House.

VISCOUNT PALMERSTON: I must say that the course which has been taken with regard to this Bill is one of the most extraordinary in my experience, and one of the widest departures from ordinary procedure that I can remember. It is undoubtedly common for hon. Gentlemen who object to the principle of a Bill, instead of negativing it upon the second reading, to move as a middle term, that it be postponed for six months, but I confess I do not happen to recollect an instance in which those who object to a Bill, instead of allowing the hon. Member who has charge of it to explain to the House the reasons on which it is submitted to their approbation, have stepped in, anticipated the discussion, and, without listening to a single syllable of the motives on which that Bill is founded, have demanded that it shall be immediately postponed to a time beyond that to which they expect the Session is likely to extend. I say that that is an unusual proceeding—a proceeding not very courteous to those who have charge of the Bill, and not in conformity with the ordinary practice or usages of Parliament. But it is also a proceeding which in itself negatives the very grounds upon which it is based, because, while those who propose it affect to say they are unprepared to discuss this Bill, and that they wish for time to consider it, it is quite manifest by the speeches by which their Motion is supported, that they are against the principle of the measure. It would have been much fairer, therefore, much more honourable, much more in accordance with their real opinions and the petitions they themselves have presented, if, in place of this miserable Motion for delay, they had opposed the principles of the Bill in the usual way on the Motion for the second reading. But the pretence that there is not time to consider the Bill is one too shallow to be for a moment entertained. For whom is that delay demanded? Is it demanded for the sake of the opponents of the Bill? Those who have heard the speeches of the right hon. Member for Oxfordshire (Mr. Henley), of my right hon. Friend (Mr. Gladstone), or the hon. and learned Member for Dundalk (Mr. Bowyer), will probably be of opinion that those hon. Gentlemen have deeply and maturely considered the matter, their minds are stored full of argument on the subject, that they have given play to their imagination in starting every objection which can be urged to the measure, and that they are as ready now as they would be this time twelve months to discuss its principle and its details. As far as they are concerned, then, the demand for delay is futile. Then is it for the country that we are asked to postpone this measure? Is delay wished for simply that public opinion may be matured on the subject? Why, we know that this Bill has been before the public not merely for weeks or months, but for years, and that there is no man in this country at all likely to give his attention to the subject, who has not long since made up his mind as to the principle involved. The very arguments used on this point by the supporters of this Motion disprove their assertions. It is urged that petitions from 6,000 clergymen and from every part of the country are being presented against the Bill. Are these petitions, then, got up without any clear knowledge respecting its provisions? The only exceptions, indeed, are the constituents of the right hon. Gentleman, (Mr. Napier), who, differing apparently from the clerical body generally, have not thought it necessary to instruct him to oppose the Bill, neither has he thought it necessary to ask them what course he shall pursue respecting it. Well, then, is this Bill really new to the House? Why, will any hon. Member who is likely to take part in this discussion say that he has not anxiously watched the protracted proceedings of the

House of Lords? Has the Bill not been for a full month lying on the table of this House? Has there not been ample time for examining it with the utmost minuteness, and making up his mind on all its principles and details? And is this a measure of such enormous magnitude that a great length of time was required to discuss it? Comparatively speaking, the Bill is a short one, and its provisions are contained in a small number of clauses. I say, then, that the Motion for delay is a shallow pretence, under which those who make it wish to conceal their opposition to the measure, but that very desire of concealment shows their consciousness that public opinion is against them, that the feeling of the country is favourable to some measure of this sort, and that the Bill, therefore, is one which ought now to be considered. Well, then, the hon. and learned Member for Wallingford (Mr. Malins), rising with that eminent physical power which he fortunately possesses, speaking with that intellectual vigour with which he always addresses the House, tells us that our bodies are exhausted, and our minds prostrate from the labours we have undergone. Why, Sir, he is a living example of the fallacy of his own argument, and is not the man, therefore, to tell us that we are so exhausted by the labours of the Session as to be unable to pay proper attention to this Bill. The hon. and learned Gentleman is perhaps anxious to take advantage of that health and vigour which we are so glad to see him possess in the enjoyment of some other species of amusement. His desire for delay may perhaps be excused by the impatience with which he is looking forward to the termination of the Session, but I do trust the House will take a more serious view of this matter, and not run away with the idea that one month is more appropriate than another for the prosecution of business of such importance. They ought not, I say, to be led away by an appeal to the almanac, or be frightened by the names of July and August. A measure of the greatest importance, for which the country has long been looking with anxiety, cannot be thrown on one side by the mere assertion that we are at the end of July, and that August is fast approaching. The hon. and learned Gentleman asked me how long I proposed to keep the House sitting. Why, Sir, as long as may be necessary to dispose of the important measures before us. I remember sitting in this House until the middle of September. I hope it may be unnecessary to continue the present Session for so long a period, but it is trifling with our duties—it is trifling with the great interests committed to our charge to say that because it happens now to be the 24th of July we are not to take into consideration a measure so important in itself, so anxiously expected by the country, and which for years has occupied the minds of men who attend to the consideration of these subjects. If this were a Bill brought into the House of Commons, not having been presented to the other House, and now for the first time laid before Parliament, I should admit that the argument against us would be forcible; but we are only calling upon the House to discuss a measure which has been well sifted and discussed in another place; and when we are told that the House of Lords has been unstable in its views respecting this measure, and has changed its mind upon different details, all I can say is, that this very discussion has paved the way for our consideration, has presented us with all the arguments for and against the principal points on which opinions are likely to be divided, and will render it more easy for hon. Gentlemen here to come to a conclusion on the contested matters. I therefore entreat the House not to forget the duties cast upon it by our constituencies, and to recollect that we sit here not merely to consider whether it is more convenient to adjourn in July or in August, whether we can carry on our discussions better at a cold than at a hot season, or at a time more consistent than the present with the intellectual vigour of the hon. and learned Gentleman, but that the country will think we are neglecting our duties if we put off this grave and serious question, and that by so doing the character of this House will materially suffer in public opinion. I will not enter now, as other hon. Gentlemen have done, into the merits of the question. My hon. and learned Friend the Attorney General will be prepared upon the second reading to state in detail the grounds upon which this important measure is founded. Let the House hear those grounds, and not shrink from deliberating upon a measure so deeply affecting the interests of the country. Least of all, let the House not be diverted from such deliberation by the shallow pretext that further delay is necessary to consider a measure which its opponents are evidently fully prepared to discuss now, to-morrow, or any day that may chance to be fixed upon.

Motion made and Question put, "That the said Order be postponed till this day month."

The House *divided :* Ayes 130 ; Noes 217 : Majority 87.

VISCOUNT PALMERSTON : At this time of the night (ten minutes past 11), it would hardly be fair to my hon. and learned Friend or to the House that we should go on with the second reading of the Bill. My hon. and learned Friend would naturally wish to state at some length his views on the subject, and I therefore propose to go on with the second reading on Thursday, and to make it the first Order of the day.

MR. MALINS : Do I understand the noble Lord to say that the Probates and Administration Bill will not be proceeded with on Thursday ?

VISCOUNT PALMERSTON : We shall take this Bill first on Thursday. In all probability the Probates and Administration Bill will be proceeded with on Friday.

Second Reading *deferred* till *Thursday* next.

ILLICIT DISTILLATION (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 *agreed to.*

Clause 2 (The disposal of Seizures provided for).

MR. HASSARD moved the omission of the clause.

MR. WILSON said, he could not understand the object of the Amendment, inasmuch as the system by which the services of the constabulary of Ireland were brought in to aid the revenue police had worked very beneficially.

MR. BAGWELL said, that it was to be feared that the result of the Bill would be to produce a most demoralising effect upon the constabulary force. One of the most deep-rooted feelings in Ireland was a hatred of the exciseman, and to make the same body of men both policemen and revenue officers was calculated to render the police peculiarly obnoxious in the eyes of the people. He believed that the Government would find out they were making a false move if they turned the Irish constabulary into a force of excisemen, and placed them at the cross roads as spies over the people.

MR. M'CANN observed that he believed that if the clause were adopted, and the police were empowered to destroy the illicit whisky, the Government would find before long that they would drink it. He hoped the Government would not throw the temptation in their way, for he felt convinced from his knowledge of human nature, that the police would be demoralized by the practice.

MR. WILSON said, that in order to show that illicit distillation was on the decrease in Ireland, he would state that, while no fewer than 1,100 persons had been convicted for the offence in 1849, the number convicted in 1856 had been only 140.

MR. HASSARD said, that there was an inconsistency in the clause, for in the first part, it directed that seizures should be disposed of by the Inspector General of Constabulary, and in the after part of the clause it was provided that the seizures of spirits *in transitu* should be disposed of as the Commissioners of Inland Revenue should direct. He did not understand why the seizures were to be disposed of by two different authorities, and he thought the clause, moreover, imposed on the constabulary duties calculated to demoralize them. Magistrates at petty sessions would be the proper parties to direct the disposal of the seized spirits.

MR. WILSON said, the clause only confirmed a practice which had been in force for the last three years. There was no inconsistency in the clause. The seizures to be disposed of by the Inspector General of Constabulary were seizures of spirits made in illicit stills, and those which the Commissioner of Inland Revenue was to dispose of were the seizures of spirits removed from or by any licensed distiller or rectifier.

MR. WHITESIDE objected to the clause, as giving too much power to the police, who ought not to have the right to seize illicit spirits without bringing the offender before a magistrate. He thought they were imposing on the police officers a jurisdiction which was never before asked of Parliament. He was satisfied no such law existed in England, and he doubted whether it existed in Scotland.

MR. J. D. FITZGERALD said the Bill had been brought in with the express approval of Sir Duncan M'Gregor and Mr. Brownrigg. He hoped, therefore, the Committee would agree to the substitution of Clause 2 of this Bill for Clause 17 of the former Bill.

MR. NAPIER objected to the clause,

on the ground that it would introduce a dangerous principle. It would place the police under great temptations.

Mr. G. A. HAMILTON remarked, he also thought the clause would have an injurious tendency.

Question put, "That the Clause as amended stand part of the Bill."

The Committee *divided:*—Ayes 88; Noes 46: Majority 42.

Clause *agreed to.*

Clause 3 (Penalties and Proceeds of Sales and Seizures to whom to be paid).

Mr. WHITESIDE said, they had now adopted a different principle for Ireland from that which they adopted for England. They would not give such powers to the police in those countries as they had just given to the Chief Commissioner for England. Ireland had not equal rights with England. He should move the omission of this clause.

Question put, "That the Clause stand part of the Bill."

The Committee *divided:*—Ayes 80; Noes 37: Majority 43.

Clause *agreed to.*

Clause 4 (Lord Lieutenant may appoint Officers for the prevention of Illicit Distillation).

Mr. G. A. HAMILTON said, he wished to point out that the expenses were to be paid out of the Inland Revenue, so that it would involve the whole principle of arresting the revenue in its progress to the Exchequer.

Mr. WILSON admitted that there was an error in that respect, and consented to amend the clause accordingly. The hon. Gentleman then proposed a proviso that nothing in the Act should interfere with the existing distribution of the police in their respective counties.

Sir DENHAM NORREYS, who had proposed a clause to the same effect, objected to that proviso as wholly inefficient.

Mr. MAGUIRE said, this was a Bill which ought to excite the greatest apprehension of all Irish Members, and as the hour was late (one o'clock), he should move that the Chairman report progress.

Motion made and Question put, "That the Chairman do report progress and ask leave to sit again."

The Committee *divided:*—Ayes 27; Noes 80: Majority 53.

On the question that Clause 4, as amended, stand part of the Bill,

Mr. P. O'BRIEN said, he now appealed to the noble Viscount to postpone the Bill for the present Session. If not, he must have recourse to perpetual divisions.

Mr. MAGUIRE again moved that the Chairman report progress.

Motion *agreed to.*

House resumed: Committee report progress; to sit again on *Monday* next.

House adjourned at a quarter before Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 27, 1857.

Minutes.] Public Bills.—2ª Reformatory Schools; Commons Inclosure; Industrial Schools; Militia Ballots Suspension; Public Health Act (Aldershot).

3ª Registration of Long Leases (Scotland); Inclosure Acts Amendment.

Royal Assent.—Grand Juries (Ireland) Act (1836) Amendment; Turnpike Trusts Abolition (Ireland); Constabulary Force (Ireland).

PUBLIC BUSINESS.

The Earl of DERBY rose to call the attention of the Government to the state of public business in the two Houses of Parliament. He had examined the Paper of business of the other House, and he found that for the present week there were set down for consideration no fewer than thirty-eight Bills, which had not yet been before their Lordships, independently of twelve others which had passed their Lordships' House. Of those thirty-eight Bills fourteen had not yet been read a second time, nineteen were in Committee, and five stood for third reading. It was perfectly well known that the whole of that evening would be occupied by a discussion in the other House which would not allow of the further progress of any disputed Bills; while Thursday and Friday next were set apart for the consideration of Bills which had been sent down from their Lordships' House—a very proper arrangement, provided it were not intended to go on afterwards with the other Bills; but if the other business were all to be proceeded with, instead of Parliament being prorogued by the 20th of August, as had been stated, the 20th of September would be a more likely day. He did hope that the Government would interfere to prevent that which of late years they had desired to prevent, and which had always been a great scandal and inconvenience—viz., the hurried manner in which Bills were pressed through the two Houses, more especially through their

Lordships' House, at the close of the Session, when there were scarcely any Members present to discuss them. It was impossible that the great majority of the thirty-eight Bills could be sent up for a fortnight at least, and when he stated that on Friday last there were no fewer than twenty pages of Amendments to be moved and discussed upon those different Bills in Committee in the other House, he left their Lordships to imagine when it was likely that the Government would be able to prorogue. Under these circumstances he did not think that it would be an unreasonable thing to propose that their Lordships should not take Bills into their consideration, unless they were of great necessity and importance, after the first week in August; and he suggested to the Government that they should now state that they would not receive any Bills after Tuesday, the 4th of August, except those of indisputable urgency. This perhaps might induce the House of Commons either to curtail some of their business, or to get on with it a little faster than they seemed disposed to do at present.

EARL GRANVILLE said, that the attempts made in previous Sessions by the noble Lord (Lord Redesdale) to mitigate the evil complained of had certainly been attended with success. With regard to the present Session, however, he had been in communication with the noble Lord, and it was felt that owing to the late period at which the Session began, and the uncertainty which prevailed as to the time of the prorogation, it was unadvisable that his usual Resolution should be moved; and the noble Lord, therefore, consented to waive it. He had no doubt that under ordinary circumstances such a Motion would be of considerable use. At the same time, it was somewhat undesirable that one branch of the Legislature should take upon itself to control to a certain extent the period at which Parliament should be prorogued without much attention to the state of public business, and, therefore, this power of fixing a day beyond which no new Bills should be read a second time ought to be exercised with considerable delicacy. Of the thirty-eight Bills which the noble Earl alluded to as yet to come before their Lordships, it must be remembered that some of them would be disposed of at morning sittings, and would therefore be presented to this House earlier than the noble Earl seemed to anticipate. At the same time, if a Motion to the effect suggested were submitted by the noble Earl, he should

offer no opposition on the part of the Government. He should have preferred, however, that another week had been allowed, and, as a middle course, would suggest that the 7th, not the 4th, of August should be the day fixed.

THE EARL OF DERBY said he was quite satisfied to accept the modified proposition of the noble Earl, and fix the 7th of August. All he wanted was some definite proposition.

LORD REDESDALE said, that after what had fallen from the noble Earl opposite, he would now give notice that he should to-morrow move the adoption of the usual order with regard to Public Bills, fixing the 7th of August as the last day for second readings, and making that a Bill day. He was extremely glad that this conclusion was come to.

INDIAN ARMY.—MOTION FOR PAPERS.

THE MARQUESS OF CLANRICARDE said, that in calling attention to the events which had taken place in India, and in moving for papers relating to the Indian army, nothing could be further from his intention than to add to the embarrassment which the Government must now labour under with regard to Indian affairs. As far as he knew, the measures which had been taken by them were well calculated to meet for the moment the disasters which had taken place. He placed reliance on their energies, and full reliance on those of his noble Friend and relative the Governor General. He was sure that whatever was required by his noble Friend, and whatever the Government asked for from Parliament, would be accorded. Upon them rested the responsibility of dealing with the subject as it stood; nor was it his wish to add to their responsibility or to the difficulties in which they were involved. Their Lordships had, however, a duty to perform, far higher than that of putting down the mutiny. That that revolt would be extinguished before very long—whether in weeks or months—he had not the slightest doubt; nor could any rational man doubt that the pewer of the British army and the authority of this country would soon be completely re-established in India. But the real difficulty of governing India would not have ended, but have commenced, when the present mutiny should have been put down. It would be necessary for them to reconstruct their army in India. They might reconstruct it with the same materials, more or less, as they might deem right; but in his humble opinion it would not only be necessary to do that, but entirely to revise and recast the machinery by which our Indian territories were governed. It was absurd to suppose that the present machinery could go on. If anything were wanting to prove that, it would be found in some of the incidents which had recently occurred. Could anything be more ridiculous than to see, in the emergency in which he was afraid we were still involved with regard to India, the Minister of the Crown come down to Parliament for the purpose of gravely informing Parliament that it had pleased certain gentlemen sitting in Leadenhall Street, who were not responsible to the Crown or to Parliament for their conduct, to consent to the sending out of 4,000 men to provide for the necessities of the Indian service? No doubt, the Minister added that even if that consent had been refused, those troops would still have been sent out; but such a course would have been in defiance of the law. Was it rational to expect that such a state of things, which could only lead to embarrassment, could be of any possible use to the executive Government of the Crown? He did not want to pursue that subject any further, but he might add that the position in which the Board of Control stood to the Court of Directors was most objectionable. When any difference arose between the Court of Directors and the Board of Control the Board of Control could not legally send out any instructions, however proper, to the Governor General or to Her Majesty's servants in India without applying for a *mandamus*, compelling the Court of Directors to forward it. Of course the law would not be regarded for a moment if it really stood in the way of the public service. What a farce, then, it was to permit such a law to continue! Nobody could defend it for a minute, and a new state of things ought at once to be introduced. He was not, and never had been, insensible to the merits and glories, for such he would call them, of the East India Company, when the East India Company really existed. Its career was wholly without example, and such as its members, and our country might well be proud of. But that Company had virtually ceased to exist since 1833, when it was put upon an entirely different footing. We had had in the course of this year melancholy proofs that the government of India had been in a disgraceful state for the last twenty-five years. The disgraceful state of the Indian tribunals had been brought before Parliament, and not denied but acknowledged by Her Majesty's Government. No man could deny that the state of the Indian finances was deplorable, and he would venture to say that there never was such a wretched exhibition of the finances of any country as the annual statement of the finances of India, which showed a permanent deficiency without any plan for, or prospect of supplying the ways and means necessary to remedy that state of things. And to put the finishing stroke to the picture, let them consider the humiliating and absurd condition of our Indian army quite apart from the mutiny; and whatever that mutiny might have arisen from—whether from greased cartridges or not—it was evident that the bad state of the soldiery was of long standing, and ought not to have been overlooked as it had been. Let their Lordships consider for a moment what had been the general utility of the Indian army to the empire. If their Lordships read in history of a powerful monarch who had, in addition to his own native country, a vast territory containing upwards of 100,000,000 men, and with almost every resource within it that could make it great and powerful, and that when that monarch went to war he was unable to derive from that vast territory, governed by his lieutenants, consuls, governors, or call them what you would, one man, one gun, £1 of money, or one pound of gunpowder in support of his war, what idea would their Lordships form of the government of that country and that territory? But that was the case during the late war with Russia, so far as India was concerned. We could not bring a single soldier of India to aid in that war. One might have supposed that the Government who possessed that vast territory would have been able by its army to inspire feelings of respect at least, if not of terror, throughout Europe and Asia. But we could not draw the slightest support from that country. It was even with feelings of apprehension that they ventured to draw two of their own European regiments from India to aid in the war against Russia: so that in point of fact, when they were engaged in that war, so far from India being an auxiliary to us in Europe, and helping to defend Her Majesty's empire and honour, India was an impediment and a drain upon their resources. That fact *primâ facie* called for the consideration of every British statesman and of Parliament. There were a great many instances in history, with which several of their Lordships were as conversant or more so than himself, of great armies having deserted their standard, their Sovereign, and their country; armies had at times gone over to the enemy, or had revolted against the lawful authority for another dynasty; they had risen up against foreign conquerors on behalf of their country, when they thought that their revolt would be successful. But was there anything in the pages of history in the slightest degree, he would not say parallel, but even analogous to the existing state of things in India, in which 80,000 men had melted away from our command within the space of one fortnight, without any object, or purpose, or ostensible cause whatever? He defied any rational man to show that the mutineers had any definite joint object in the step which they had taken. Why, many of these men had already passed twelve or fourteen or more years' service towards obtaining pensions for their lives. Let their Lordships recollect that this army was raised, not by conscription, but by voluntary enlistment; admission into its ranks was regarded as a prize by the natives of the country; and yet, of this army, without any cause—for he defied any one to say that there was any religious grievance in the matter, so far as the great body of the men were concerned (supposing the Hindoos had been subjected to greased cartridges, the Mahomedans would not have felt that to be a grievance, and of course the Hindoo soldier of all things had no desire to put himself in subjection to a Mahomedan instead of a Christian conqueror)—of this army, he said, 80,000 men had, without any assignable reason, passed away from our command. Was not the primary cause of that defection evident? Was it not owing to the way in which that army had been mismanaged? It was mismanagement that had brought that army into its present mutinous condition, and that had made these men almost like a pack of schoolboys, excited, God knew why, and God knew by whom! but certainly without any definite object or great leader, to revolt. They had risen up against us; some of them had committed horrible and barbarous murders, while others showed great personal attachment to their officers; but had gone from our standard, some to their homes, and others it was impossible to say whither. To what was that owing but to the mal-organization of that army? Now, that was especially a matter in which the Court of Directors, above every other body, had the power of interfering. That army was directly officered by the East India Company. There was always a military committee of the East India Directors sitting, and, many of the gentlemen who served in that Direction had been in that army. They ought to have the greatest interest in it, and of all the branches of the East India Government they ought to be held the most responsible for the present state of things. But what was most reprehensible was the fact which has now come to light, that nothing had been done to avert that evil which, when it did happen, those who knew anything at all about the Indian army said they were not surprised at. I am not a prophet after the event. He was in a position, if necessary, to show their Lordships a letter written by an officer of fourteen years' experience in India—not an officer in high civil employment, but one who has lived with his regiment, and who made himself acquainted with the feelings of his soldiers and of the army in general in India. That letter was written more than a year and a half ago. It referred to a series of observations which he had made in previous letters upon the state of the army; and ended by saying, "For my part I believe that we are upon the brink of a general military outbreak." But was that all? Did not the noble Earl opposite (the Earl of Ellenborough), in a most able and instructive speech, delivered by him about ten days ago, clearly state to their Lordships that he was informed while in India that the army in Bengal was in a state of insubordination? Was it not a matter of history that that army required particular care? And yet not one step had been taken to effect an improvement. Various causes had been assigned for this mutiny. Among others, it was said that, during the late war with Russia, foreign emissaries were employed in India in the endeavour to spread disaffection among the native soldiers. Whether that were true or not he could not say, but he believed that no power could stir up revolt among our troops if they were properly managed. That hypothesis, therefore, wholly failed to account for what had happened. There were various other causes assigned with which their Lordships were familiar. Among these was the way in which troops were constantly detached to perform duties in which the police ought to be employed. Changes, too, were made in regard to their pensions which were not sufficiently explained to the men. It was also well-known that the spoliation of the native chiefs and the annexation of their territories to ours had had great effect in producing a bad state of feeling in the army. The natives of India, it should be remembered, had formerly been wont to look upon us, not only as a most powerful, but as a most just people. A gallant friend of his, who had served in India, told him that he was in the habit of associating with the soldiers of his regiment and of ascertaining their feelings, and that he never found anything so difficult to answer as the questions they put to him touching the reason why the King of Oude was deposed and his territory annexed to the British dominions. There were many Oudeans in our army, and he was informed that recent events in their native country had been viewed by them with deep dissatisfaction. But the principal cause of the disaffection was undoubtedly the manner in which the army was officered. No doubt the Court of Directors chose for the service young Englishmen possessed of the average qualities of their countrymen. The fault lay in the system of employment and promotion when those officers reached India. Among the various valuable suggestions for the improvement of the Indian army, made by the late Sir Charles Napier in his evidence before their Lordships' Committee, was one for requiring young cadets, before going out to India, to pass some time in the army in England in order to acquire a knowledge of their regimental duties. The reason why this was not carried out was because it was only after a certain period of service in India that a person became eligible for those civil situations for which every young officer was looking out. The object of the parents of a cadet and of those who gave him his appointment was that he should hurry out as quickly as possible and qualify himself for a civil situation at the earliest moment. What was the effect of thus draughting the officers of the army into the diplomatic and civil services? Sir Charles Napier gave an account of his visit to a battalion of 800 men to which there were only two European officers. One of them was a young ensign not then released from drill; and if anything had happened to his senior, this boy, who could not pretend to drill a company, or perhaps not even to march a guard, would have been placed at the head of 800 men, and in command of many old native officers who thoroughly understood their duty. How could we expect to find regiments in a proper state of discipline or organization under such a system? He had lately seen a friend of his whose son was an officer in one of the Indian regiments, and on expressing sympathy with what he thought must be the natural feelings of the father at the danger in which his son was placed his friend coolly replied:—"Oh, I am not at all alarmed, my son has not been near his regiment for twelve years." On his hinting that the son, being a captain, would in the present crisis be ordered to join his regiment, the father added, "Oh, no, there is no danger of that; my son is engaged in an important civil employment collecting the revenue, and he cannot be removed from where he is." Was it surprising if an army so conducted could not be relied on in time of trouble? This state of things appeared to have been entirely ignored by the Court of Directors. In Lord Dalhousie's Minute of the 28th of February, 1856, which was laid on their Lordships' table in April or May last, there was this extraordinary passage:—

> "If large improvements have been made under the various departments of civil administration during the last eight years, the military branch of the service has received its full measure of attention and amendment. The position of the native soldier in India has long been such as to leave hardly any circumstances of his condition in need of improvement."

Then followed forty-eight paragraphs, relating not to the native but to the European soldier, or to the military establishments. They were told that the military branch of the Government had received its full measure of "attention and improvement;" and yet a few months later they had 30,000 men, the majority of whom had been long in the service, leaving their standard without any ostensible cause! This subject, however, had not escaped the attention of the present Governor General. Lord Canning assumed the Government of India in March, 1856, and it soon became evident to him that all was not right; for as early as April the 5th in the same year his Lordship wrote home to the Court of Directors that, "Your Hon. Court will observe that, in October, 1855, the late Governor General recorded a Minute in consequence of the strong representations of the late Commander in Chief as to the paucity of officers for the demands of the public service." So little did the Directors know whether the Bengal army required supervision that they ordered increased employment upon civil service for officers of that army. The Governor General having to provide for the government of the country, enormously increased in population, with the same civil force that existed many years ago, was authorised to take from the regiments every field-officer if he chose, and a large proportion of captains and lieutenants. What was this but a wilful and monstrous exposure of the army to the risk of insubordination? The Directors said,—

> "That the want is pressing we fully admit. It has been necessarily occasioned by the requisitions for staff and civil services, and for local and irregular corps, which could only be effectually met by transferring to them officers of the very class and description who are most urgently required for regimental duties, and who are best qualified to command the respect and to conciliate the affections of every class of the native soldiery. These considerations would have induced us to determine to allow two additional captains to every regular Native regiment in our service; but in the actual condition of the finances we must confine ourselves to sanctioning your appointment of one additional captain and one additional lieutenant to every regiment of native infantry and cavalry of the regular formation in the three Presidencies, and of two additional captains and two additional lieutenants to each European regiment; to have effect from the expiration of one month from the date of your receipt of this despatch."

What a system of Government! It appeared by the paper he held in his hand that at the time the Directors were adding to the number of the officers of regiments they were reducing the number of soldiers. Such management of an army was never exhibited by any Government before. It was not surprising that the recent calamity should have occurred under such management. He did not pretend to say what remedy should be applied, but he had seen some rather wild notions put forward which he hoped would not take much hold of the public mind. He had seen it stated that the Government ought to do away with the high-caste Brahmins and Rajpoot soldiers; that they ought to maintain 60,000 European troops in India, and increase the number of irregular soldiers. But if their Lordships would read the history of the Indian army, written in 1817, by Captain Williams, they would find that the high-caste Brahmins and Rajpoots were enlisted with a particular design. They were of a superior class and of a peculiar religion, and they were encouraged to enlist because it was thought that they might counterbalance the great number of Mahomedans in our service. He did not say that they ought

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to be continued for ever in our employment if they were not wanted, but Sir John Malcolm, a competent authority, had said of them, in a paper known to be written by him although it did not bear his name:—

> "The Rajpoots want energy, but seldom, if ever, courage. It is remarkable of this class that, even when their animal spirits are so subdued as to cause a cessation of exertion, they show no fear of death, which they meet in every case with surprising fortitude or resignation. Such is the general character of a race of men whose numbers in the Bengal army amount to 30,000 or 40,000, and of whom we can recruit to any amount in our provinces. But this instrument of power must be managed with care and wisdom, or that which is our strength may become our danger."

It was to be regretted that such opinions had not been attended to. He must remind their Lordships that the late Sir Charles Napier stated before a Committee of that House in 1852, that if he remained twenty months in India and had the power to organize or drill them, he should not be afraid to go into action with Sepoys alone. And elsewhere he said, that, properly drilled and organized, the Native troops "would march to Moscow." He trusted then that Parliament and the country would not be too ready utterly to condemn these men. With regard to the irregular troops, he believed that they were valuable forces, but they were subject to the same influences as the Brahmins and Rajpoots, and had shown instances of desertion as extraordinary and of mutiny as striking. In the Nepaul war in 1815, under Lord Hastings, when 6,000 irregular infantry were detached from the main body, they encountered a severe service, and fought from noon until eight o'clock the next morning. They gained a great victory, but sustained a heavy loss. They afterwards made a claim for blood-money upon the number of men they had lost, and when it was refused they deserted in a body and went home. Then, if we had 60,000 Europeans in India, who was to pay the cost? It might be that they would be cheaper than three times that number of Native troops, but look to the drain of such a reinforcement upon the population and the regular army in this country. It was already felt as a great hardship when a regiment was kept a day longer in India than its term of service, and such a destination for so large an army could not but affect recruiting at home as well as diminish the number of men available for European purposes.

He had a great respect for the prolific powers of this country, but he doubted whether England, in addition to her other requirements, could send out British-born troops enough to India to keep down a population of 150,000,000 men. India, in such a case, would not be a valuable acquisition. India ought, herself, to maintain the troops she requires for foreign or internal purposes — but in order to do that the system of her Government must be altered. The truth was that British India belonged to the British Crown, and must be administered by a Minister of the Crown responsible to Parliament. There was no reason why Parliament should not exercise the same right of interference with regard to India as it did with regard to all other of Her Majesty's dominions. He had heard old Indians say that if Parliament meddled with India, party influences would prevail and India would be ruined. He never heard greater nonsense. That was nothing less than an attack upon our whole system of constitutional government. History bore testimony to the fact that when the East India Company were making their greatest struggles in India, when Clive was running his wonderful career, and when Warren Hastings, the Marquess of Wellesley, and Lord Cornwallis administered the affairs of that country, those affairs were much more under the control of Parliamentary influence than was the case at the present day. He hoped that Her Majesty's Ministers would be prepared to meet Parliament next Session with some scheme by which the administration of those territories belonging to the British Crown in India would be brought more directly under the direction of the Government of England. If, however, unhappily they should fail to take that course he felt assured that the Legislature would take the matter into its own hands, and would not suffer such practices as those to which he had adverted as prevailing in the British army in India to continue—practices owing to which those officers to whose keeping great interests were committed were withdrawn from their legitimate profession, for mere purposes of personal profit and advantage. The papers for which he asked would, he anticipated, throw light upon the discussion upon the affairs of India which must take place next year, and he therefore trusted that the Government would have no objection to their production. The noble Marquess concluded by moving, That there be laid before this House Copies of the Correspondence of the Court of Directors with the Board of Control and with the Governor General of India, relating to the Amount of European Forces, either of the British or the Indian Army, to be maintained in that Country since the 1st of April, 1856, or relating to the Employment of Military Officers upon Political or other Civil Services.

THE DUKE OF ARGYLL said, that since the noble Marquess had given notice of his Motion his right hon. Friend the President of the Board of Control had laid upon the table of the other House of Parliament papers relating to India, and among them all the recent despatches relating to the question of the proportion which existed between the European and Native troops in India. Those documents would, he might add, be laid before their Lordships, and the object which the noble Marquess had in view would thus far be attained. Having made that statement, he might be permitted to observe that, whatever might be the duty of an independent Member of either branch of the Legislature in relation to the discussion of the causes of the great calamity which had lately occurred in India, it would clearly be an act of imprudence upon the part of the Government to enter into any premature debate upon that most difficult subject, demanding, as it did, the most anxious and lengthened consideration. The propriety of abstaining from all comment upon it would be still more apparent when their Lordships reflected upon the different nature of the various suggestions made, in almost every instance with an equal degree of confidence, which were promulgated in the public journals—as to the causes to which the present state of things in India was to be ascribed. Those suggestions appeared to take their colour from the political and party feelings of the individual from whom they happened to emanate. One of them was to the effect that the mutiny in India was to be attributed to the manner in which England had dealt with the native States in that country, and in particular to what was designated the cruel injustice to which the Ameers of Scinde had been subjected. Another reason for the existing disaffection was alleged to be the policy which Lord Dalhousie had adopted in annexing new territories to our possessions in the East, the annexation of Oude having been specially referred to as having caused the greatest dissatisfaction among the natives of India. A third reason which had been urged was the keeping up of so many Indian States, which were, it was contended, a source of weakness to the Company; while a fourth reason was, it was alleged, to be found in the rapacity and injustice with which the Native Princes had been treated. Now, in order to prove to their Lordships how little force there was in the last-mentioned reason at all events, he might refer to a fact which had been mentioned in the intelligence conveyed by the last mail, and which was to the effect that some months since the Rajah of Gwalior had visited Calcutta and had been received by Lord Canning with every mark of attention and respect—a line of conduct which his noble Friend had carried to so great an extent that he had actually been attacked by the press in Calcutta for the course which he had pursued. His noble Friend, however, had not only paid the Rajah every attention to which as a person who governed his own territory in the most satisfactory manner he was entitled, but had taken occasion to inform him that the people of this country would prefer to see the Native princes ruling their own possessions well, to seizing upon them in the name of the Crown of Great Britain. That was the spirit in which his noble Friend was disposed to deal with the Native princes; and he might add that in the case of the Rajah of Gwalior the result of such a policy had turned out to be most beneficial, inasmuch as upon the breaking out of the mutiny he had been among the very first to place the forces under his control at the disposal of the Governor General. It was, however, alleged, in addition to the reasons to which he had already adverted, that the cause of the recent disaffection in India was to be traced to the circumstance that no protection had been afforded to the ryot against the oppression of the zemindar—an evil which, among many others, had been mentioned in the petition which had in the early part of this year been presented from the Christian missionaries of the Presidency of Bengal as calling for redress. Hardly, however, had that petition been presented, when another had been laid before the East India Government from the planters and zemindars, ascribing all the evils of which the missionaries complained to their own conduct in endeavouring to force Christianity upon the Natives. Such were the conflicting statements which had been made upon the subject of the origin of the recent mutiny in India. The noble Marquess had insisted that if there was one cause more than another that had led to that mutiny it was the small number of European officers who were doing regimental duty in the Bengal army. That might have been a great evil, but its existence was not, he maintained, as the noble Marquess seemed to imagine, to be laid altogether to the charge of the East India Company. They could have had no selfish motive in limiting the number of European officers in India, inasmuch as it was clearly their interest that the amount of patronage in their hands should be increased instead of diminished. That the number of those officers was so small was in a great measure to be attributed to the very large addition to our Indian possessions which had within the last thirty or forty years taken place; and was it, he would ask, the fact, that the acquisition of that new territory was fairly to be ascribed to the policy which the Court of Directors had shown themselves desirous to pursue? He, for his own part, believed the contrary to be the fact, inasmuch as he was of opinion that the annexations which had of late been made to our territories in India were the result of necessity, and of the direct action of those English statesmen who had been sent out to India as Governors Generals by the English Government. The noble Marquess, however, had made one observation in which he must express his entire concurrence, and which was to the effect that the Government of this country ought not, in consequence of recent events in India, to abandon that confidence in its native army which we had so long entertained. It by no means followed, he should maintain, from the breaking out of that mutiny, that it was connected with any deep-laid scheme against British authority. We know that even in civilized countries there were occasions in which great movements took place as it were by sudden impulse, and were communicated with marvellous rapidity. Such was the case in 1848, when a sudden commotion arose, which spread itself over the whole of the Continent, and even the British Government, stable as it was, experienced considerable inconvenience, if not alarm. For his own part, he thought it quite possible, that, considering that the question of caste had been touched upon, the insurrection might be the result of a momentary panic, and not of any organized conspiracy against the English Government. The arrival of the next mail was looked forward to with anxiety. It might turn out that the evil was more deeply seated than he at present believed it to be, but he thought that their Lordships and the public ought not too hastily to abandon the opinion that, under a better system, and with greater precautions, it was possible to restore the Indian army to that state which had enabled it to reflect such glory on our arms. In the mean time the duty of the Government was clear, and that was to put down the insurrection with a strong hand, and he was sure that their Lordships would agree with him that no exertion should be spared and no sacrifice not submitted to in order to maintain that empire in India which had cast so much glory on this country, and the abandonment of which would not only be a disgrace to England, but a calamity to mankind.

Motion *agreed to.*

THE SUCCESSION DUTY.

PETITION OF THE HON. L. S. W. DAWSON DAMER.

LORD REDESDALE *presented* a petition from Captain L. S. W. Dawson Damer complaining of the interpretation put upon the Succession Act by the Comptroller of Legacy Duties in regard to settlements made before the passing of that Act, and said that the working of the present Act was in many cases productive of great hardship. By the Act imposing succession duties, those duties were fixed at 1 per cent in the case of a son, 5 per cent in the case of a collateral relative, and 10 per cent in the case of a stranger. It happened, however, in practice, that the authorities at Somerset House ruled that when a son took property after his father, in accordance with a previous settlement, the duty which he had to pay was not 1 per cent, but the percentage which would be due had he taken the property at once without the intervention of the father. Lady Caroline Damer had devised an estate to a Colonel Damer for life, with remainder to the first and other sons in tail. Colonel Damer had by a disentailing deed, executed before the Succession Duties Bill came into operation, barred the entail. It had been held that the son of Colonel Damer was liable to pay a higher duty than 1 per cent., and certainly such a decision appeared to him to be an injustice, because it appeared clear that where a new title had been created it was upon that that the duty ought to be levied. It appeared to him that the whole question was one which required revision, or at least that the Act itself should be made clear and intelligible, instead of being left as it was, intricate and confused.

EARL GRANVILLE said he thought the word "hardship" as applied to the effect of the Comptroller's decision a harsh one. If a person in the Comptroller's situation was lax in his duty to the Crown, persons were not likely to come forward and complain of that; but any one who had a tax to pay was generally ready to make complaints of the way in which it was levied. The amount of money received by the succession duties went to show that the Act did not press with that severity that some of their Lordships had expected. Mr. Gladstone had calculated the produce of this tax at £2,500,000; but the opponents of the measure said that it would realize a great deal more. However, it now turned out that only a quarter of that sum was received. The amount might increase to one-half in course of time; but even on that assumption he thought he was now justified in assuming that the operation of the tax would be more agreeable than had been anticipated. Forming an opinion on the statement made in Mr. Damer's petition, so far as he (Earl Granville) could judge of it from hearing it read, he thought that the Comptroller's decision was a correct one; for if the act of a father and son joining together in disentailing deeds were allowed to affect the amount of duty, the tax would be evaded in nine cases out of ten. As to the interpretation to be put on the Act, the authorities at Somerset House were advised by a proper legal functionary, and if there were any complaints against his decisions, they should be brought forward specifically. Considering that the Act was of a complicated character, and contained no less than fifty clauses, he thought it extraordinary that it had not led to more litigation. There had been only three cases in which appeal was made to a court of law. In all those the Crown had succeeded, but had refused to take advantage of the decisions by receiving costs. Under these circumstances, he did not think it could be said that there was any hardship in the way the tax was collected.

THE EARL OF DERBY said, he did not think that his noble Friend (Earl Granville) had taken a correct view of the case stated in Mr. Damer's petition. He the (Earl of Derby) recollected that when the Bill was before Parliament objection was taken to its restrospective character. It was said that it would be a great hardship to make its provisions apply to settlements actually in existence at the time of the passing of the Act, and it was proposed that they should only extend to settlements made after the Act. He did not say that it was unreasonable to object to that proposition, because its effect would have been to defer the operation of the Act for a very long time; but the petition read to their Lordships by his noble Friend (Lord Redesdale) applied to a settlement that was null and void at the time of the passing of the Act, and, consequently was not in existence when the Act passed. There was a settlement at one time in existence, but before the passing of the Act the father and son join in cutting off the entail existing under the settlement. Yet, when the heir succeeds, he is charged as if he succeeded under the settlement so done away with. He (the Earl of Derby) admitted that in the discussions on the Bill there was a good deal of objection taken to allowing persons to cut off entail after the passing of the Act; but, that was not the case now before their Lordships, which was one of a settlement put an end to before the passing of the Act, and now held to be revived for the purposes of the succession duty.

THE LORD CHANCELLOR said, he would not, of course, presume to give a legal opinion on a case the facts of which he had not looked into; but from the statement in Mr. Damer's petition he thought the decision of the Comptroller a correct one. After the execution of the deed by which the son was to take an absolute estate, the question arose whether the son would not take by virtue of the will under which his father had derived it; and, on the whole, he (the Lord Chancellor) thought the Comptroller had taken the right view of the matter.

INDUSTRIAL SCHOOLS BILL.

SECOND READING.

Order of the day for the Second Reading read.

THE EARL OF SHAFTESBURY said, there were a great many institutions in the country for the reception of criminal children, and it was very desirable to encourage the establishment of industrial schools to which vagrant children should be admitted who would otherwise be trained in habits of vice. This object was proposed by the Bill of which he now had charge, and which was originally introduced in the other House by Sir Stafford Northcote, but was afterwards (Sir Stafford not being returned to the present Parliament) taken up and passed by Mr. Adderley. The provisions of the Bill were entirely of a voluntary character, but these institutions would be entitled, on being duly certified, to the receipt of grants from the Privy Council. Parents were made responsible for the good behaviour and might be called upon to contribute to the maintenance of their children while in these schools. He hoped their Lordships would feel no hesitation in giving this Bill a second reading, and in Committee such alterations could be introduced as were thought necessary.

Moved, That the Bill be now read 2^a.

LORD BROUGHAM said, the loss to this and every other good cause by the non-return of Sir Stafford Northcote to Parliament was great, but his place, so far as regarded this measure, had been well supplied by Mr. Adderley, who in carrying the Bill through the other House had struggled successfully against considerable difficulties. As to its details there might be some doubt, but there could not be the least with respect to its principle. A noble Friend of his (Lord Stanley) whose absence from this House he rejoiced at, inasmuch as he could not sit here until his noble Friend (the Earl of Derby) was no more, had taken a very active and useful part in the discussion upon this Bill, the subject of which was very minutely considered at the great meeting at Bristol, over which Lord Stanley had with such ability presided. He (Lord Brougham) hoped there would be no objection to the second reading.

THE EARL OF DERBY entirely approved the principle of the Bill, but as probably he should not be in the House when it was in Committee, he wished to call attention to the definition of the word "parent," which was made to include any one upon whom an order of affiliation had been made. That certainly was introducing a new definition into our law, and he thought the point worthy of consideration.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the whole House *To-morrow.*

House adjourned at Half-past Seven o'clock, till To-morrow Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 27, 1857.

Minutes.] New Member sworn—For Woodstock, Lord Alfred Churchill.

Public Bills.—1° Crowded Dwellings Prevention; Town Byelaws Revision; Deer, Game, and Rabbits.

3° Municipal Corporations; Lunatics (Scotland); Oxford University.

SLAVE TRADE (AFRICA)—ANSWER TO ADDRESS.

The COMPTROLLER of the HOUSEHOLD (Viscount Castlerosse) appeared at the Bar, and read the following Reply from Her Majesty to the Address which had been presented to Her on the part of the House in reference to the suppression of the Slave Trade:—

"I have received your dutiful Address, praying that I will employ all the means in my power in order to put down the African Slave Trade, and to obtain the execution of the Treaties made for that purpose with other Powers.

"You may rely on my earnest endeavours to give full effect to your wishes on this important subject."

THE HOUSE OF ASSEMBLY IN THE IONIAN ISLANDS.—QUESTION.

Sir DE LACY EVANS said, he would beg to ask the right hon. Gentleman the Secretary of State for the Colonies, Whether there is any foundation for the statement which has lately appeared in the public journals that certain high functionaries in the Ionian Islands have declared their determination to shed their blood in an endeavour to cast off the control of the British Government; and, if the statement is well founded, what steps Her Majesty's Government are disposed to take in the matter?

Mr. LABOUCHERE: Sir, I will state to my hon. and gallant Friend and to the House all that I know upon this subject. I have received no official account of the transactions to which my hon. and gallant Friend refers. But I have seen private letters containing, as far as I can recollect from them, the information I shall now proceed to mention. The House is aware, or at least those Members who have attended to the conduct of business of late years in the Ionian Islands are aware, that on the last two or three occasions on which the House of Assembly met they passed, early in their proceedings, Resolutions, striking directly at the union between England and their country; and the consequence was that the Assembly was immediately afterwards prorogued. Upon the present occasion the Ionian Assembly have not pursued that course. They sat several weeks, during which time they transacted business and did not adopt any Resolution of such an offensive character as would justify the extreme measure of a prorogation. It appears, and I have no doubt it is true, from what I have seen in private letters, that very intemperate language was used, and scenes of great excitement took place in the Ionian House of Assembly, but no formal Resolution was come to of the description which had been adopted upon previous occasions. I believe the origin of these recent scenes and debates is to be found in a strange and singular misapprehension which arose out of the presentation of a petition by the right hon. Baronet opposite (Sir J. Pakington) from Mr. Montgomery Martin —a proceeding which attracted very little notice in this House, but which created considerable excitement in the Ionian House of Assembly. In that petition Mr. Montgomery Martin asserted that the Ionian Islands should so far be treated as a British Colony as that they should have Representatives sitting in this House. Some members of the Ionian House of Assembly thought that a petition of that kind could not have been presented by a gentleman in the position of the right hon. Baronet opposite, who had himself filled the office of Colonial Secretary, unless it had been the intention of the English Government to carry out the measure in question. It is also said that attempts were made to get up a similar petition in Corfu; but there was no foundation, I believe, for such a statement. Under the misapprehension which prevailed upon this subject, very intemperate language was used in the Ionian House of Assembly; but I repeat that I have reason to believe that no formal resolution was to come on the part of that body which would justify the extreme measure of a prorogation. All I have now to add is, that Her Majesty's Government are quite aware of the necessity of watching the proceedings of the House of Assembly; but I hope that body will take no step which would render their prorogation indispensable.

Sir DE LACY EVANS said, he wished to know whether it was true that some of the high functionaries who had particularly distinguished themselves upon that occasion had been received at the Government House on the following day?

Mr. LABOUCHERE: I know nothing upon that point beyond what I have seen in the newspapers.

METROPOLITAN GRAND JURIES BILL.

WITHDRAWAL OF BILL.

Mr. WARREN said, he would beg to ask the hon. and learned Member for Stamford whether he intended to proceed with the Metropolitan Grand Juries Bill. It was a Bill of very great importance, and kept a great number of hon. Members there until late at night watching for it. He wished to know whether the hon. and learned Member could conveniently release them from continued attention to the matter, by stating that he would not proceed further with the measure, seeing the hopelessness of the Bill being carried during the present Session.

Sir FREDERIC THESIGER said, he had been exceedingly anxious to obtain the sanction of the House to the Bill, not only because it was a measure which had been long and earnestly called for, but also because he believed it would be highly useful within the limited district to which it would apply. He had tried day after day to advance the Bill, but he had tried in vain; and considering the state of public business he thought it would hardly be possible for him to proceed any further with the measure in the course of the present Session. Under those circumstances he would withdraw the Bill for the present; but he should add that he proposed to re-introduce it at a very early period in the next Session, and he hoped he should then be able to get it passed into law. In conclusion, he had to move that the Order of the Day for the Committee on the Bill be read for the purpose of being discharged.

Order for Committee read, and *discharged*;—Bill *withdrawn*.

COPYRIGHT ACTS CONSOLIDATION BILL.

WITHDRAWAL OF BILL.

Mr. WARREN said, he would beg to ask the Chancellor of the Exchequer whether he meant to proceed further this Session with the Copyright Acts Consolidation Bill, which stood for a second reading on the Paper of that day?

The CHANCELLOR of the EXCHEQUER said, the Bill had been printed for the information of the House, but the Government would not proceed with it this Session.

Order for Second Reading read and *discharged*;—Bill *withdrawn*.

ORDERS OF THE DAY.

On the Motion of Viscount Palmerston, the Orders of the Day were read and postponed till after the notice of Motion relative to India.

INDIA.—STATE OF AFFAIRS.

MOTION FOR PAPERS.

Mr. DISRAELI: Sir, I hardly know anything more interesting—I am sure there are few things more instructive—than to recall the commencement of great events. It is remarkable how insignificant incidents at the first blush have appeared which have proved to be pregnant with momentous consequences. A street riot at Boston and at Paris turned out to be the two great revolutions of modern times. Who would have supposed, when we first heard of the rude visit of a Russian sailor from a port in the Black Sea to Constantinople, that we were on the eve of a critical war, and of the solution of one of the most difficult of political problems? And so, some few weeks ago, when it appeared in the newspapers that there was a mutiny in a Native regiment in India, I dare say few people read the paragraph. I dare say, indeed, most persons turned for amusement to the more exciting discussions in this House on questions of domestic interest of comparative insignificance; and if the tranquil course of the House of Commons this year have not afforded them even this resource, they were, perhaps, more interested in the stimulating adventures of the police courts. But, Sir, I have always thought if mankind could bring themselves to ponder in time on the commencement of those events that greatly affect their fortunes it is possible that we might bring to the transaction of affairs more prudence and more energy than are generally exercised, and that probably we might prevent many public disasters. It was with that feeling, Sir, when the first news arrived of the occupation of Delhi by the rebels, that I thought I was only performing my duty in addressing some inquiries to Her Majesty's Ministers as to their opinions with regard to the cause of those remarkable events and the exact position of affairs. I am bound to say that at the time the answer which I received impressed me with the feeling that Her Majesty's Ministers did not view the events which had occurred in that spirit which I thought their latent importance demanded. The House will recollect what was the information afforded by the Government on that occasion. The President of the Board of Control told the House that the Governor General of India wrote in very good spirits—that Her Majesty's Government hoped and trusted—nay, that they even believed—that by the next mail we should hear that the city of Delhi had been razed to the ground, and, in order to afford that test of truth and of danger which is so thoroughly appreciated by the inhabitants of the British isles, we were told to look at the state of the public securities. We were told the funds at Calcutta had not fallen, but, on the contrary, had rather risen, and the inference to be drawn from this circumstance was that the danger was neither profound nor extensive. Well, Sir, the tone taken by the Government in the other House of Parliament was not more serious. The noble Lord (Earl Granville) there ingenuously informed the country that the Government were utterly taken by surprise both here and in India—that twenty-four hours before these events occurred they did not even suspect that anything was wrong. Even in that patrician assembly, which is generally considered to be more connected with the land, the funded test was also applied, and when a question was asked, as if in combination with the Ministry, whether the funds had fallen at Calcutta, and the answer being that they had not fallen, that answer was received with marks of approbation. I admit that one ought not to review with too critical severity the first expressions of a Government after such events: but when the Government had had the advantage of being informed, not merely by telegraph, but by despatches, of what had happened—when they had had a considerable time to consider these events—when several Councils (anxious ones, I have no doubt), had been held upon them—ten days, in short, after the first notification of what had occurred in India—the House was favoured by a great officer of State—one of the principal Members of the Cabinet—incidentally, it is true, but still, on the occasion of an Eastern debate having some indirect reference to India—the Persian war, I mean—the House was favoured with the matured opinion of the Cabinet upon these great events—the Chancellor of the Exchequer informed the House that the revolt of the Bengal army was a sudden impulse, occasioned by superstitious feelings. We were thus favoured with the mature opinion of the Government upon the cause of these important events, and it was clear from their general tone and from the expressions of persons of authority, who, if not members of the Government, exercise great influence in this House, and are supposed to be general supporters of the Government, that the conduct of the native troops in India was looked upon as a mere military mutiny—that was, I think, the expression that was used on that occasion. Now, I apprehend that it is of the greatest importance to obtain as clear an idea as we can of the causes which have led to these events. I said, on the occasion I have before referred to, that we ought to have the opinion of the Government on that subject: and when the cause alleged by the Government appeared to me to be insufficient, I ventured to intimate that it was the paramount duty of Parliament to investigate the causes, if they deemed those alleged by the Government to be unsatisfactory. Some objection was taken to this course. It was alleged that, this being a mere military mutiny, all we had to do was to put it down, and when it was put down, then the Government would consider the condition of the Indian army. Now, I humbly think that the question whether it is a mere military mutiny is one of primary importance. Is it a military mutiny, or is it a national revolt? Is the conduct of the troops the consequence of a sudden impulse, or is it the result of an organized conspiracy? The House must feel that, upon the right appreciation of that issue, the greatest of all questions, namely, the measures which the Government ought to adopt, or Parliament ought to sanction, entirely depends. The measures which may be adequate in the case of a military mutiny will not be adequate to cope with a national revolt. The measures which may be perfectly competent to deal with conduct which is only the consequence of sudden impulse will be totally insufficient to deal with conduct which is the consequence of a conspiracy long matured, deeply laid, and extensively ramified. I apprehend that the right understanding by this House of the cause of the present state of affairs in India is a primary piece of knowledge, without which we cannot undertake to support any measures that are brought forward for the purpose of putting an end to the disorders which there exist. I will, therefore, Sir, to-night presume, with the indulgence of the House, to address them upon two points. I will ask them, first, to inquire what are the causes of the present state of affairs in India; and, when they have arrived at a general conclusion on that point, I will ask them to inquire what are the proper measures, under the circumstances, which should be adopted. These are the two points to which, then, I will call their attention to-night, it being my opinion that they are inseparably connected, and that, unless we arrive at a just conclusion with respect to the cause, it is totally impossible for us to adopt any sufficient remedy.

Sir, it is not my intention to-night to trouble the House with any lengthened description of the condition of the Bengal army. I apprehend that, whatever may be the variety of opinions which prevail among us on other subjects, no great difference can exist with regard to this—that the condition of the Bengal army, both as regards discipline and disposition, has been for some time, and was at the time of the revolt, highly unsatisfactory. The House has, upon that subject, very ample materials on which it may form its opinion. The House is now familiar with the fiery criticisms of the lamented Napier. I have no doubt every expression which he used is uppermost in the minds of those whom I address. The country has been recently favoured with the calmer reminiscences of another distinguished Indian general—Lord Melville. There exists in a pamphlet, no doubt familiar to many Members of this House, the concurrence of a distinguished, and one of the most rising of Indian officers — Colonel Jacob — who does not, I believe, agree with Napier on any other subject, and which sets forth clearly the unsatisfactory state of the Bengal army. It appears to me that I should trespass unnecessarily on the time of the House if I entered into any minute details, or brought numerous proofs, to justify the conclusion at which I suppose a vast majority of the House have arrived. Since the time when General Napier penned those confidential and vivid descriptions of the state of the Bengal army, since Lord Melville gave us his personal experience of it, since Colonel Jacob published that pamphlet, it has been acknowledged that the condition of the Bengal army has not improved, but deteriorated, and that the grievances, or alleged grievances, of the Sepoys, instead of having diminished, have perhaps increased. I think the House will feel it unnecessary for me to enter into the question whether that army was over or under officered. I think the House will agree with me, that it is unnecessary to prove that, if under-officered, those officers who remained were, in too many cases, inexperienced, ignorant of the language of the country, and too frequently contemptuous of its usages. I think the House will agree with me, that it is unnecessary to enter into the question of the pay, the pension, the furlough of the Sepoy, his foreign service, or general service. And there is one reason which, above all others, induces me not to enter into any details upon this branch of the question, because I am persuaded (and I shall offer to-night facts and arguments in support of my opinion) that the conduct of the Bengal army in revolting against our authority was the conduct of men who were not so much the avengers of professional grievances as the exponents of general discontent. I shall show, or endeavour to show, to the House to-night that our Government in India of late years has alienated or alarmed almost every influential class in the country. I shall show, or endeavour to show, to the House to-night that the mutual suspicions and prejudices between rival religions and different races, which were the cause of segregation between powerful classes in that country, have of late years, in consequence of our policy, gradually disappeared, and that for them has been substituted an identity of sentiments, and those sentiments, I am sorry to say, hostile to our authority. I shall have to show to the House how these feelings have led to communication between classes who never communicated before. I shall have to show to the House how communication under such circumstances led to conspiracy. I shall have to show to the House how the most powerful native class in India, the army, which has been disciplined by our energy and exertions, was at last drawn into the vortex; and I shall show to the House that for a considerable period of time the state of India was one of menacing combustion, and all that was wanted was the occasion and the pretext. I shall show the House how that occasion was afforded, and how that pretext was devised.

But before I touch upon these points,

although it is not my intention to-night to refer to many documents, there is one passage in a most important Indian State paper to which I ought to advert. The House is familiar with a Minute that was laid on our table in 1856, which is, in fact, a history of the Government of India by the late Governor General (the Marquess of Dalhousie). It consists of forty-five pages and 180 sections. It touches upon every theme, one would suppose, that eight years of energetic government supplied, or that could occur to either House of Parliament. Here we are told of the kingdoms that under the Government of Lord Dalhousie were added to the dominions of the British Crown. No subject is too high or too insignificant to escape notice. We are informed, not only of annexations of territory, but of the establishment of railroads and electric telegraphs. Nothing is omitted, except one—the subject upon which we require information. When the intelligence of the military revolt arrived I was anxious to refer to this most important Indian State paper, and to have the opinion of the late Governor General on the state of the Bengal army and the Indian army generally when he retired from his long viceroyalty. He has given us forty-five pages and 180 sections, but to my surprise, when I examine them, the Indian army never appears. There is no subject which can possibly interest us, or no incident of importance which did occur, that is not here commemorated except the state of the Indian army. At last, to my surprise, I found in section 151 a reference to the condition of the European soldier. He was not the soldier upon whose condition I wanted information; but still that section was at the moment of some comparative interest. The subject is treated at length. Under the head of "European soldier" the improvements in barrack construction, in their ventilation, the differences in their altitude in the hill-country and in the plain, are touched upon with a solicitude which cannot be too much praised. Under the same head—there being more than twenty paragraphs devoted to such important topics—I find an incidental notice of the native soldier in India. Here it is:—

> "The position of the native soldier in India has long been such as to leave hardly any circumstance of his condition in need of improvement."

I thought it right, in speaking of the condition of the Bengal army, and after adverting to the opinions of men like Napier, Melville, and Jacob, that we should have before us the statement of the highest authority on this subject, and therefore I have read to the House that solitary sentence from the Minute of Lord Dalhousie.

I now proceed to lay before the House the reasons and facts that have induced me to arrive at the conclusions which I have already stated. Of late years a great change has taken place in the Government of India. In olden days, and for a considerable time—indeed, until, I would say, the last ten years—the principle of our government of India, if I may venture to describe it in a sentence, was to respect Nationality. We often talk now of our conquest of India, and sometimes we are told that it is necessary to re-conquer that country. The conquest of a country inhabited by 150,000,000 of men, in many instances of warlike habits, could at no time have been an easy achievement. Its difficulty must certainly be increased to us after what has occurred, and therefore I think it is of some importance that upon this grave and common idea of conquering India we should have as accurate notions as possible. I deny, Sir, that in a vulgar sense of the words we have ever conquered India. We have taken a part in the military operations which have very frequently been conducted upon a great scale in India. The annals of our warfare in India are glorious. Our arms have been victorious in many signal fields and many brilliant campaigns. We have often triumphed over powerful Sovereigns and baffled skilful and dangerous confederacies. But still our conquest of India in the main has been a conquest of India only in the same sense in which William of Orange conquered England. We have been called in—this happened very frequently in the earlier periods of our Indian history—by populations suffering under tyranny, and we have entered those kingdoms and principalities to protect their religion and their property. It will be found in that wonderful progress of human events which the formation of our Indian empire presents that our occupation of any country has been preceded by a solemn proclamation and concluded by a sacred treaty, in which we undertook to respect and maintain inviolate the rights and privileges, the laws and customs, the property and religion of the people, whose affairs we were about to administer. Such was the principle upon which our Indian empire was founded; and it is a proud as well as a politic passage in the history of Englishmen, that that principle has been until late years religiously observed. All our great Indian statesmen—I am not talking merely of politicians who have gone out to undertake the government of Presidencies, but of men like Malcolm, Metcalfe, Elphinstone, and Munro—have always upheld the principle of maintaining the engagements we made in those proclamations aud treaties. Our empire in India was, indeed, founded upon the old principle of *divide et impera,* but that principle was put into action by us, not with any Machiavellian devices, but by merely taking advantage of the natural and, if I may use the expression, spontaneous circumstances of the country in which we were acting a part. There were in India so many independent States, so many princes of different races, so many religions, and even so many languages, that if you honestly performed your engagements, it was totally impossible to raise a combination which could overwhelm you. Why did the Mahomedans and the Mahrattas fail in India? The two principal causes of the downfall of those dynasties were—first, that they persecuted the people whom they had conquered on account of their religion; and, secondly, that when their treasuries became empty they confiscated the land of the chief proprietors. England, on the contrary, always came in with a guarantee of their lands, and a solemn engagement not to tamper with their religion. It was by a policy founded upon these principles that our power in India was established. All our great Indian authorities, indeed, have recognized in the existence of independent Native States a source not of embarrassment, but of security to England. They have looked upon them, to use the expression of one of the most eminent of our Indian statesmen, as the "safety valves" of our empire. The turbulent spirits of the country were enrolled in their armies. Their mode of life offered a career which our more regulated and ordinary habits would not have furnished to the fiery youth of India. A strict observance of our treaties, the rigid maintenance of the laws and customs of the people, and, above all, a faithful respect for our guarantees of their land and a scrupulous adhesion to our engagements not to tamper with their religion—these were the sources of our strength, and upon these our great Indian statesmen always insisted. But, Sir, of late years a new principle appears to have been adopted in the government of India. If the old principle—the principle upon which our empire was created and established, and which prevailed until very recent times—was a respect for nationality, the principle of the new system seems to be the reverse, and may be described as one which would destroy nationality. Everything in India has been changed. Laws and manners, customs and usages, political organizations, the tenure of property, the religion of the people—everything in India has either been changed or attempted to be changed, or there is a suspicion among the population that a desire for change exists on the part of our Government. Now, taking the last ten years, I would range under three heads the various causes which have led, in my opinion, to a general discontent among all classes of that country with our rule. I would describe them thus—first, our forcible destruction of native authority; next, our disturbance of the settlement of property; and thirdly, our tampering with the religion of the people. I believe that directly or indirectly, all the principal causes of popular discontent or popular disturbance will range under those three heads; and to those three heads I now wish to address myself. I will endeavour to do so without overpowering the subject with details and without referring to documents, except for authority, and I will also endeavour to compress my observations as much as possible without sacrificing clearness; but even then I shall have to trust to the generous forbearance of the House for the time I shall occupy. The House will, however, recollect that I am venturing to treat a theme of colossal proportions, that the issue at stake is of corresponding magnitude, and that upon the just appreciation by Parliament of the present state of India depends the greatness of this country.

Now, Sir, I will first address myself to the forcible destruction of Native authority in the East by our Government, and in this subject are involved some of the most important principles of Indian policy. The House must recollect that even at the present time there are at least 200 Native Indian princes; they still govern a population of at least 60,000,000 of inhabitants. With all these princes the English Government has treaties. These treaties differ in many particulars of detail; in some there are conditions for contingents, in others for tribute, in others, again, for the residence at the Native Court of a representative of the English Government; but there is one feature of similarity throughout all these treaties—that is, an engagement on the part of the English Government with each Indian prince, that so long as the latter shall observe the conditions of the treaty, the English Government will secure to him and to his heirs for ever the throne upon which he sits. Now, Sir, about the year 1848 is what I fix as the date of the inauguration of the new system of Indian policy, which I shall show to be opposed to all the principles by which our empire was gained and established. Great wars had then terminated victoriously and triumphantly for this country. The struggles with new Powers that had sprung up—with ancient Powers that had threatened us—were closed. There was no fear of foreign assailants, and under those circumstances less regard for internal safeguards against discontents. But the condition of India, in a financial point of view, was by no means satisfactory. The House is so familiar with this part of the subject that I shall not dwell too closely upon details. The House is aware that the nature of Indian revenue is such that it admits of no expansion. The great bulk of the revenue is raised from the land; and, although we receive a considerable amount from the duties on opium and salt, yet the revenue from those sources in a great degree can only increase from increased consumption by an increased population. Affairs, however, had come to such a point, that it was absolutely necessary that the revenue of the East Indian Government should be enlarged. About this time accordingly appeared one of the most important State papers that ever was published relating to India: it was a Minute of Council referring to the decease of an Indian prince, and in which was laid down the principle, almost without disguise, that the future Indian policy would be, to increase the revenue of our dominions by increasing our dominions themselves; that, in short, the only mode by which an enlarged revenue could be obtained was, by enlarging our territories. A native Indian prince had died without natural heirs. The territories over which this prince had ruled were not of first-rate importance, although they were not inconsiderable; his revenues were not of great amount, yet they were not to be despised; he was a prince to whom the respect and interest of a powerful portion of the Indian races were directed. He was the chief of the great Mahratta family. After the fall of the Mahratta empire, it had become a point of high policy with our Indian Government that from the ruins of that empire independent Mahratta States should be formed, and that the heads of that family should be placed upon the *musnud*, as a means of gratifying the feelings of the defeated Mahratta people, and of obtaining their sympathies for the new order of things. Such was the position of the Rajah of Sattara—a name probably unknown to many, but which at one time occasioned some interest in this House, and respecting whom many papers were laid upon this table. The death of the Rajah of Sattara was fixed upon as the incident by which our new Indian policy was to be inaugurated. The Rajah of Sattara, as I have already reminded the House, died without natural heirs, but the House must also remember that the Hindoo system is such, that a family can never become extinct. The law of adoption prevails in India, and has prevailed from the most ancient times, and is accompanied by the most solemn sanctions. The law of adoption is, in fact, the very corner stone of Hindoo society, and men who have no natural heirs adopt a son, as one of those matters of course which the great duties of life are ever considered. Indeed, according to the Hindoo religion, the deceased Hindoo in another world can look for no happiness unless certain duties are fulfilled and certain ceremonies performed by his heir in this; and therefore it is absolutely necessary that he should appoint an heir, in order to insure the fulfilment of those offices, and the performance of those rites. Hence, adoption in India is not only a civil right, but a religious privilege; the whole frame-work of Indian society is established upon that principle. The Rajah of Sattara, dying without natural heirs, had, before his death, selected an heir, who was nominated with all the solemn ceremonies peculiar to the occasion, whose adoption was notified to the British Resident, and published to the people by salvoes of artillery, and was received by them with perfect approbation. The Governor General of India, however, in pursuance of the vigorous and novel policy which he had determined to establish in India, took the decided step of abolishing the law of adoption; he did not recognize the individual who had been proclaimed to all India as the son and successor of the deceased prince: but, claiming the equivocal right of suzerainty, as Lord paramount, he ordered his troops to enter the Raj, and the Raj of Sattara was absorbed into the dominions of the East India Company. This step was not taken without considerable difficulty. The Governor General of that day was a young man, energetic, but not versed in Indian affairs, for at that period he had only been a few months in the East. The most experienced Indian statesmen protested against his conduct, and warned him of its consequences. They knew it was not merely a question affecting a small territory, but that it was a policy which involved important principles of law and custom of general application. The Governor of Bombay, which Presidency is contiguous to the territory of the deceased Rajah, was at that time Sir George Clerk, now the Secretary of the Indian Board. I believe all will agree, however differing upon some points of policy, that Sir George Clerk has shown himself, in many instances, to be a consummate statesman in the affairs of India. He protested against that policy, and warned the Indian Government against its consequences. I have been told, on authority so high that I cannot doubt it, that, at the last extremity, he proposed that the annexation should be postponed till it could be subjected to the arbitration of the highest authority in Indian matters in this country, Mr. Mountstuart Elphinstone; but this proposal was rejected. I am bound to say that some of the Directors of the East India Company, on that occasion, evinced considerable prescience, and no mean ability. Unfortunately, there was a majority in favour of the new policy; but there remain on record the dissents of six members of the Court, men without exception of Indian experience, and, as their dissents show, men of ability, of thoughtful minds, and of practical wisdom. I have not those dissents by me, but I call to mind the names of such men as Mr. St. George Tucker, Mr. Melville, and Captain Shepherd. The protest of Captain Shepherd, which may be found in the Sattara papers, contains language which I recommend to the serious attention of the House, for they are words of wisdom that would have become any statesman of any country in the world. The annexation of Sattara was resolved and accomplished. Whatever may have been the passing murmurs, they were altogether disregarded; and from that moment, without ceasing, the system of annexation was brought into play, or was attempted, in every instance in which a native prince died without natural heirs. The principle of adoption, which I have before said is the very corner stone of Indian society, was systematically set aside by the Government, and the opposite principle became the basis of a new policy. An hon. and learned Gentleman, who takes an interest in Indian affairs, moved some time ago for a Return of the annexations that have taken place between 1848 and 1856. I do not know whether that paper is in the hands of Members, but if it is, a brief glance will show that while some of the annexations have occurred by conquest—as to which I am now saying nothing—in the great majority of instances they have been the consequence of a want of natural heirs; as for example, Jeitpore in Bundelcund, Sumbulpore, Bughat, Oodepore, Jhansi, Boodawal. This return also gives us four instances of annexation proposed by the Governor General, but not yet sanctioned by the Court of Directors; as, for example, Kerowlee, Adyghur, Colapore, Tanjore. In every one of these instances our Government took a step which shook the confidence not merely of native princes, but, as I shall be able to show, the confidence also of a powerful party among the population of India. All the Rajahs who during that time died without natural heirs had dominions of greater or less extent and no inconsiderable revenues, and all of these were absorbed into the British empire. The final Minute of the late Governor General to which I have referred—the memorable document that was placed last year on the table of the House of Commons by the late Chairman of the East India Company—after enumerating some vast annexations to which I shall not now allude, contains a paragraph which is called "minor political events," and with the permission of the House I shall read from that paragraph a passage that will convey an impression of what has been going on in India much more vivid than could be given by mere spoken words. It says:—

> "Early in 1848, the Rajah of Ungool, a petty chieftain in the Jungle Mehals, resisted the authority of the Government. His raj was taken from him, and he has since died in exile."
>
> "The Rajah of Sikkim, a hill chieftain on the borders of Nepaul, in order to enforce certain claims which he alleged against the Government of India, had the audacity to seize the person of the political officer at Darjeeling, when travelling under the Rajah's safeguard within his dominions.

Military preparations were made; the Agent was released, and all the territories which the Rajah possessed within the plains were confiscated, and have been retained."

"In Scinde, Meer Ali Morad, of Khyrpore, was accused of having forged a clause in a treaty whereby he had wrongfully obtained possession of lands which of right belonged to the British Government. A full and fair investigation was made. The Ameer had every opportunity afforded to him of defending himself; but his guilt was proved beyond a doubt. The lands were taken from him, and his power and influence were reduced to insignificance."

I mention these cases, which did not involve a violation of the law of adoption, to illustrate the system that was now pursued with such vigour in India by every means and on every pretext. I now call the attention of the House to 1854. There had been five or six years during which the Indian Government, commencing with Sattara, had dealt under this system with the territories of a dozen independent princes, chiefly on the plea that their territories had lapsed to the Indian Government for want of natural heirs, when in 1854 one of the most considerable of the native princes died—one who still sat on a royal throne—the Rajah of Berar. His was no ordinary case. He was a prince whose dominion extended over a territory of 80,000 square miles, with a population between 4,000,000 and 5,000,000—with land the richest in India, and highly cultivated—whose treasures were great, and who had been a faithful ally, for never had it been alleged that he had violated the conditions of any treaty. He died without natural heirs, and in pursuance of the new policy it was determined to annex his vast and wealthy country to our dominions. Our Resident at the Court protested against this annexation, and the Governor General was opposed in Council by the ablest of its members when he proposed it—among others, by General Lowe, whose name is known to many Members of this House. I have no personal acquaintance with him; I can only form my opinion of him from public report, and by reading that which shows the ability and integrity of the man—the Minutes made by him in Council. But I may say that he has always been considered as one of our first Indian statesmen. He is a man who has risen by his own energies and merits. He has passed fifty years as the representative of the Indian Government at various Courts of India—with Mahomedan Sultans, Hindoo Rajahs, and Mahratta Princes—and he is supposed to be more familiar with the wants of India and the life of India than any other Indian statesman of the day. He was therefore, with great propriety, appointed a member of the Supreme Council. I will refer to the printed documents for his statements, for were I to give them without doing so, it might be supposed that in the heat of discussion they were exaggerated or coloured. The Governor General of India detailed the policy which he intended to pursue with respect to the Rajah of Berar in a Minute of Council; and I am bound to say that a public document exemplifying more acuteness and energy, was probably never penned since the bulletins of that great Emperor who was in the habit of annexing kingdoms to his immense empire. I do not wish to weary the House with more references than I can help; but I feel that we are only as yet in the antechamber of Indian discussion, and I think it right to draw particular attention to one passage for the future guidance of the House. In that Minute the Governor General says:—

"The incorporation of Nagpore" which is the popular name of Berar, "would give to us a territory which comprises 80,000 square miles, producing an annual revenue of forty lacs of rupees, and containing more than 4,000,000 of people, who have long desired to return to our rule."

Mark what follows:—

"It would completely surround with British territory the dominions of his Highness the Nizam in a manner highly beneficial for the purposes of internal administration."

The Nizam is the most powerful Mussulman Sultan in India, with a population of from 8,000,000 to 10,000,000 under his command, and territory of commensurate proportion. And, mind you, these Minutes bring you into the Supreme Council of Calcutta, which is the same as the Cabinet Council in this country, in so far as they indicate the policy that was in the minds of individuals. Let me now ask the House to listen to some expressions in the Minute of General Lowe, as recorded in these papers. It is of the greatest importance to have the opinion of a man of this class. We have a great variety of opinions upon Indian policy in this House; it is easy to say that one man is a tool of the Directors, and that another is a wild Indian reformer, yet all will agree when we get the opinions of a mature and experienced intellect among Indian statesmen, delivered confidentially, that it is above all price. What says General Lowe? After raising a great many objections in twenty-two paragraphs, he makes this confession:—

"In my conversations with Natives, when I was in Rajpootana, there never was any unpleasant remark made to me respecting the annexation of the Punjab. Some said Duleep Sing was an unlucky youth in having such bad counsellors; but no one ever said that the British Government acted with injustice in annexing that territory to its own; they seemed perfectly to understand that an invasion of our territory entitled us, according to the ordinary course of human affairs, both to repel the invaders and to seize their country.

"But every person who mentioned the subject to me, and there were numerous persons who did so, held totally different language in regard to the annexation of Sattara. They did not make use of many words on such occasions; my own situation, being one of authority over them, placed them under great restraint in that respect, but what they did say, and their manner of saying it, showed me very clearly that they thought it a case of might against right, and all expressed an earnest hope, evidently accompanied by some dread in their minds to the contrary, that a kind Providence would save the Rajpoot families from such disgrace and disaster.

"When I went to Malwa, in 1850, where I met many old acquaintances whom I had known when I was a very young man, and over whom I had no authority in 1850, I found those old acquaintances speak out much more distinctly as to their opinion of the Sattara case; so much so, that I was on several occasions obliged to check them.

"It is remarkable that every Native who ever spoke to me respecting the annexation of Sattara asked precisely the same question—namely, 'What crime did the late Rajah commit that his country should be seized by the Company?' Thus clearly indicating their notions, that if any crime had been committed our act would have been justifiable, and not otherwise."

The House must not for a moment suppose that General Lowe is a man overconfident in his own opinions, or of a temper which listens with impatience to the suggestions of others. On the contrary, it is clear, from the tone of these Minutes, that, if he has a fault, it is that of too easily yielding up his own convictions to the predominant practice of the moment. These Minutes are full of evidence that it was with the greatest pain, and with the utmost desire to avoid the irksome duty, that he felt it necessary to come forward and oppose this policy. They are full of expressions of admiration and devotion to the Governor General. But invariably as the proceedings advance you find that General Lowe gives up the struggle in despair. I will just read a line from his Minutes to show that I have not misrepresented him in this respect:—

"After a very careful perusal of the Most Noble the Governor General's Minute on this important subject, and of the various papers circulated along with that document, it is with feelings of sincere regret that I find it quite out of my power to arrive at the same conclusion as his Lordship has done respecting the course which the British Government ought now to pursue towards the Nagpore State; and I can truly add that I write this Minute with much reluctance, for it vexes me that it should be my duty to express on an important subject sentiments which are opposed to those of a statesman whose great talents, whose eminent public services, and whose whole character I view with genuine admiration and respect."

And he adds—

"There is also another cause for my disinclination to write this Minute, which I may as well confess at once—namely, that I feel completely convinced that, practically speaking, it will have no effect whatsoever on the majority of the public functionaries in London who will have to consider and to decide this question."

Allow me to say before proceeding further, that the East India Directors are not entirely open to the character given them by General Lowe, because I have shown you that there was a minority in the Court which resisted the first of those great measures, the annexation of Sattara, and there are papers on the table respecting the proposed annexation of the Raj of Kerowlee, which show that the Raj was not annexed to our dominions—the case being too flagrant—entirely through the interference of the East India Directors. But, to proceed with the great case of Berar. The House will have already gathered that the Raj of Berar, with its 80,000 square miles, its population of 4,000,000 or 5,000,000, and its treasures, was seized, notwithstanding the protest of General Lowe. The troops of the British Government were ordered into the territory, the furniture and jewels of the Queen were seized. It was understood that the Queen had a private treasure of her own to the amount of 18,000,000 of rupees—about £900,000—it was proved that it was entirely her own private property, having belonged to the Queen-mother, a woman of great abilities, who had once been regent of the kingdom, yet it was seized, and by the British Government. The Raj of Nagpore was annexed; it is one of the four kingdoms which we are told with so much pride and self-complacency in the Minute of 1856 have been added to the Crown of England.

Now, Sir, I must pause here for a moment on the subject of annexation. I want to touch upon the second division of the subject. I want to show you how the settlement of property in India has been disturbed by the new system of Government during the last ten years. This portion of the subject is intimately connected with that part to which I have already adverted, and the House will see in a few moments why I have stopped at the year 1854 on the subject of annexation. Remember, the principle of the law of adoption is not solely the prerogative of princes and principalities in India; it applies to every man in Hindostan who has landed property and who professes the Hindoo religion. The great feudatory, or jaghedar, who holds his lands by public service to his lord; and the enamdar, who holds his land free of all tax, who corresponds, if not precisely, in a popular sense at least, with our freeholder—both of these classes—classes most numerous in India—always, on the failure of their natural heirs, find in this principle the means of obtaining successors to their estates. Those classes were all touched by the annexation of Sattara. They were touched by the annexation of the territories of the ten inferior but independent princes to whom I have already alluded, and they were more than touched, they were terrified to the last degree, when the annexation of the Raj of Berar took place. What man was safe? What feudatory, what freeholder who had not a child of his own loins was safe throughout India? These were not idle fears; they were extensively acted upon and reduced to practice. The resumption of jagheers and of enams commenced for the first time in India. There have been, no doubt, in former times, impolitic moments when attempts have been made to inquire into titles, but no one had ever dreamt of attacking the law of adoption; therefore no authority, no Government had ever been in a position to resume jagheers and enams, the holders of which had left no natural heirs. Here was a new source of revenue. But while all these things were acting upon the minds of these classes of Hindoos, the Government took another step to disturb the settlement of property, to which I must now call the attention of the House. The House is aware, no doubt, from reading the evidence taken before the Committee of 1853, that there are great portions of the land of India which are free from land-tax. Being free from land-tax in India is far more than equivalent to freedom from the land-tax in this country, for, speaking generally and popularly, the land-tax in India is the whole taxation of the State; and it is not a light impost, therefore, by any means. There are large portions of the land in India which enjoy this freedom. The origin of the grants under which these lands are held is difficult to penetrate, but some are undoubtedly of great antiquity. They are of different kinds. Besides the private freeholds, which are very extensive, there are large grants of land free from the land-tax, with which mosques and temples have been endowed. One of the greatest sources of our success in India in old days was that whenever a tyrant, a Mussulman chief, seized and confiscated their lands and we were appealed to by the native holders, we came in as vindicators of public right, and we invariably guaranteed the security of property, as in the case of the jagheers and enams. Once, indeed, a Governor General, under the pressure of distress in the public revenue, was so ill advised as to question these titles. Our power was then supposed, so far as Bengal was concerned, to be consolidated. The Governor General of that day was advised to institute an inquisition into those titles. It was alleged that there were fraudulent claims of exemption. There are fraudulent titles in England, and, no doubt, in India, the scene of so many revolutions and conquests, there may have been claims fictitiously supported. But the House will recognize at once the wisdom which would prevent a Government at any time entering upon the dangerous ground of an examination into the titles of landed estates. Even in England the process, if carried on, would produce revolution as the menace of it once did. Any person, for instance, in possession of church lands or of a Royal manor, who could not prove that the land was rightfully acquired by the persons from whom he inherited or purchased it, might have his whole property confiscated. Thirty years ago this system was tried in Bengal, and after some experience the discontent was found so great that it was first partially and soon after entirely dropped. But under the new system established in India this plan of investigating titles was at once embraced, as a proof of a powerful Government, a vigorous Executive, and most fruitful source of public revenue. Therefore, Commissions were issued to inquire into titles to landed estates in the Presidency of Bengal and adjoining territory. They were also issued in the Presidency of Bombay, and surveys were also ordered to be made in the newly-settled or North-Western provinces, in order that these Commissions might be conducted, when the surveys were completed, with due efficiency. Now, there is no doubt that during the last nine years the action of these Commissions of Inquiry into the freehold property of India has been going on at an enormous rate, and immense results have been obtained. Of course, it is excessively difficult to arrive at very precise calculations on such matters, clouded in a mystery which can only be penetrated by an authorised investigation; but from information placed before me, and which I would not offer to the House unless I had confidence in it myself, I am induced to believe the amount obtained by the Government of India in this manner—that is, by the resumption of estates from their proprietors—is not less in the Presidency of Bengal alone than £500,000 a year. Conceive what a capital is represented by such an annual revenue! Conceive the thousands and tens of thousands of estates that must have been resumed by the Government from the proprietors to obtain such a result! This is in Bengal alone; but a Commission has also been issued in the Presidency of Bombay, and has been hard at work there. I have been informed—and I would not mention the results unless I had a profound conviction that they are strictly true—that the amount of freehold land resumed by the Government of Bombay is not less than £370,000 a year. The Presidency of Madras remains, of which I know nothing. The North-Western Provinces, mapped out and surveyed, would probably, but for the recent revolt, have been subjected to the same process. I ask the House for a moment to pause and consider what a revolution in property has been going on under the new system in India, when a sum exceeding two-thirds of a million of pounds sterling per annum has been obtained by the Government as rental of land absolutely taken from individual proprietors. The House will see, as far as I can place before it the salient points of the question, how the system has worked. Hon. Members see that the law of adoption has been abolished, a law not affecting kingdoms and principalities merely, but the tenure of land in the whole or greater part of Hindostan. The law of adoption is limited to the Hindoos; but the House will understand that, so far as the resumption of estates is concerned, since all may be required to prove their title, the sense of injury thereby created affects all classes of the population and all races. But there is another source of revenue, which during the last few years recourse has been had to, and with respect to which the results, as regards the opinions and sentiments of the population, are not less important. The House will understand that when we gradually obtained absolute predominance over the great kingdoms of India we often left a nominal authority—the pomp and pageant of power—to the Native Princes, to whom and to their heirs and chief dependents, the Government accorded pensions. They were perpetual pensions. For instance, the Nabob of Arcot, when he ceded the Carnatic, was guaranteed a considerable pension, and this revenue was enjoyed for several generations. I mention this as an illustrative case. Not only the descendants of the chief, but the Ministers and great personages all had pensions, which were placed on the Government list of India. Now, under the new system these pensions have been discontinued, and are to be considered as annuities only. The House will see that this conversion of hereditary pensions into personal annuities is confiscation by a new means, but on a most extensive, startling, and shocking scale, because the descendants of those ancient Royal Families and nobles find themselves by this new rule reduced to a state of the utmost humiliation, and the people see their ancient Sovereigns, whose deposition from political power they might for many reasons feel a loss, reduced almost to absolute beggary. Take the case of the descendant of that very great chief the Nabob of Arcot, who was allowed a pension of £4,000 a year. [An hon. MEMBER: £40,000!] Well, then, that makes the case much worse. Possibly both statements may be right, because what I speak of may be a portion inherited by one of his descendants. The son, of course, counted on that revenue; but he was alarmed when he heard that the revenue, if he got it, was to be considered an annuity. Even this, however, it was at once announced that he must forego; and I am assured by one who I think cannot be mistaken, that this Prince has received, under the name of charity, from the Indian Government a sum in rupees which amounts in pounds sterling to £150. Conceive £150 being offered to a man who had a right to receive, according to what we have just heard, £40,000 a year! Let me read upon this subject a passage from that Minute which is the keystone of the new Indian system. The forty-third section of the Minute is in these words:—

> "During the last autumn the Nawab of the Carnatic very suddenly died. As the treaty by which the Musnud of the Carnatic was conferred on his Highness's predecessor was exclusively a personal one; as the Nawab had left no male heir, and as both he and his family had disreputably abused the dignity of their position and the large share of public revenue which had been allotted to them; the Court of Directors has been advised to place the title of Nawab in abeyance, granting fitting pensions to the several members of the Carnatic family.
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> "Very shortly after the death of the Nawab of the Carnatic the Rajah of Tanjore deceased. He left no son and no male heir, direct or indirect, who bore his name. The Honourable Court was therefore advised to resume the large stipend which the Rajah had enjoyed, as a lapse to the Government, pensions being granted to the members of the family, as in all similar cases."

The House will see, therefore, with reference to the second point, how far the Government have disturbed the settlement of property by their conduct with regard to the resumption of lands, by abolishing the principle of adoption, and by changing into annuities those pensions on condition of paying which we became lords of the sovereignties. That, then, I say, is the second great cause which has produced general discontent throughout India, and has estranged numerous and powerful classes from that authority which I think on the whole they were disposed to regard with deference.

Sir, I have now to approach the third point—that of tampering with the religion of the people of India. This, I am aware, is one of those subjects which are called difficult and delicate; but, in my opinion, no subject is difficult or delicate when the existence of an empire is at stake, and I shall therefore address myself to this point without any undue reserve. I know that a great prejudice has been raised in this country against missionary enterprise in India, and if I could ascribe to missionary enterprise in that country any share in the production of those vast calamities which we are now considering, nothing should induce me to shrink from avowing my opinion. When, however, we hear of missionary enterprise in India being the source and origin of these disasters and troubles, I cannot but remember that missionary enterprise is no new feature in India. At a period antecedent to the existence of our empire there were active Christian missions in India. Roman Catholic missions existed, I believe, before the successes achieved by Clive, and although our own missions are of much more modern date, their greatest efforts—their most energetic exertions—have been co-existent with general satisfaction and peace among all classes in India, and with a vigorous and successful policy on the part of the Government. With these facts before me, then, I must hesitate before I attribute to missionary interference any of those calamities and dangers which we are now considering. The House will pardon me for making these observations. When the country is in danger we are very happy to seize the first plausible reason which may account for that danger; but the great object of the debate I wish to induce the House to enter upon is to arrive at sound and safe conclusions as to the causes of the calamitous events which have occurred. I think very great error exists as to the assumed prejudices of Hindoos with regard to what is called missionary enterprise. The fact is that the Hindoos, and the Indian population generally, with the exception of the Mussulmans, are educated in a manner which peculiarly disposes them to theological inquiry. There are no people who take such interest in religious discussions as the Hindoos, to the understanding of which their minds are perfectly disciplined. They are a most ancient race; they have a mass of traditions on these subjects; a complete Indian education is in a great degree religious; their laws, their tenure of land, depend upon religion; and there is no race in the world better armed at all points for theological discussion than they are. Add to this that they can always fall back upon an educated priesthood, prepared to supply them with arguments and illustrations when they require such assistance. So far from the Hindoo looking with suspicion upon the missionaries, I am convinced, from what I have read and heard, that the Hindoo is at all times ready to discuss theological questions with the missionary. I remember reading years ago a history of the Roman Catholic mission in India, written by an abbé—I think the Abbé Dubois—a man of admirable piety, great knowledge, and immaculate character, who, I believe, had spent the whole of his life in India; and no man who has read that impartial and able work can suppose for a moment that missionary enterprise, whether conducted by Roman Catholics, Protestants, or any denomination of Christians, would ever cause any serious dissension between the Hindoo population and the Government of the country. But what the Hindoo does dread—what he regards with the utmost jealousy—what he looks upon with undying apprehension—is the union of missionary enterprise with the political power of the Government. With that power he associates only one idea—violence; he remembers the missionary enterprise of the Mussulmans; the Koran in one hand and the scimitar in the other; and, although he is perfectly ready to live upon the best terms with the missionary pure and simple, and to enter into interminable theological arguments with him, the moment he suspects the missionary is sanctioned by the Government—that authority anticipates conversion—the most sensitive feelings of the Hindoos are outraged. No taxation however grievous, no injustice however glaring, acts so dangerously on the Hindoo character as the persuasion that the authority of the Crown is exercised to induce him to abandon the religion of his forefathers. Now, have the Government of India lent a sanction to that suspicion of the Hindoos? Have the Government taken a course which has led the mass of the people to believe that there was ground for such a suspicion? This is a most important inquiry, and it is one to which the House ought to address itself. I must say, after examining the subject, I am sure with impartiality, that it appears to me that the Legislative Council of India have, under the new system, been constantly nibbling at the religious system of the natives. I do not say that the establishment of a great system of national education—which, if it had been kept free from any taint of this description, would have been of the utmost advantage to India—has been converted into an obvious and open instrument of proselytism. I do not say that in establishing a national system of education for the Hindoos you have gone ostentatiously into their schools with the Sacred Scriptures; but I am very much misinformed if the Sacred Scriptures have not suddenly appeared in those schools; and you cannot persuade the Hindoos that they have appeared there without the concurrence or the secret sanction of the Government. I think also that the establishment of what is called in the Minute "a system of female education in India" was a very unwise step on the part of the authorities. After all their efforts they seem to have collected some fifty Indian ladies in an establishment, and I cannot but regard it as a dangerous measure — considering the peculiar ideas entertained by Hindoos with regard to women—that these fifty Gentoo ladies should have been placed in an institution where they were under the guidance and instruction of men. I think that a circumstance calculated to alarm and disturb the Hindoo mind. There were, however, other acts on the part of the Government, which I regard as much more reprehensible, and which, as I shall show, have produced very evil consequences. There are two Acts which have passed the Legislative Council of India within the last few years, and which have amazingly disturbed the religious mind of Hindostan. The first was the law which enacted that no man should be deprived of his inheritance on account of a change of religion. That has occasioned great alarm in India. The House must understand that property is inherited in India by men as trustees for sacred purposes, and if a man does not lose his property who has changed his religion some of the principal ends and duties of that inheritance cannot be fulfilled. That is a change in the law which has created much alarm and suspicion. But there is also another law, which has, if possible, more alarmed the feelings of the Hindoos, and that is, the permission to a Hindoo widow to marry a second husband. What could have induced the Governor General of India to pass such a law it is, at this moment, difficult to conceive. If there had been any great feeling on the subject among the Hindoo community, one could have comprehended the reason; but, as I am informed, no man or woman among them ever expressed any desire in favour of a change which is looked upon by all as an outrage on their faith. These two laws have, to my mind, more than any other cause, disquieted the religious feelings of the Hindoos, and prepared their minds for recent lamentable events. Even very lately I heard that the Governor of Bengal had forbidden the ancient procession, sacred both to Mahomedans and Hindoos, from being solemnized. That was not a wise step. Look, also, at sections 46, 47, and 48, of the final Minute of the late Governor General. What do we find there? Two incidents are there described as "remarkably signalizing the period." The adoption of the Christian faith by Maharaja Duleep Sing, the last of the rulers of the Punjab, then quite a lad, and the baptism of the daughter of the ex-Rajah of Coorg, to whom Her Majesty Queen Victoria officiated as godmother. These incidents are ostentatiously brought forward by His Excellency, and I am informed that these sections of this Minute have been translated and circulated in every bazaar of the Presidency, as evidence of the intentions of the Government, hostile to the national creeds. All this is policy highly dangerous, tampering as it does with the religion of the population. But what has been the consequence of the conduct of the Legislative Council to which I have alluded? There has been established in Calcutta a native society imitating our societies for propagating the Gospel. The moment it was believed that the missionaries were patronized by the Government—the moment it was widely circulated that the missionaries were the emissaries of the British Government, it was deemed necessary to take steps to counteract the effect of their conduct; and some years ago, but still within the period within which I am generally confining my remarks, a society called the Devnah Sobah was set on foot to maintain the ancient faith of the country, and to protect it from the assaults of the Government; and that society was organized on a scale of great and increasing extent. It has had its agents throughout Bengal and the north-western provinces generally, and has since extended them to more distant parts. But here was an organization—some of its agents I am told have even reached this country—which, in the moment of trouble and political disaster would not be idle, acting, as they believed, in the most sacred cause of their religion.

I have now endeavoured to show to the House under the three heads to which I first adverted—namely, the forcible destruction of native authority in India, the disturbance of the settlement of property in India, and the tampering with the religion of India—that there have been causes at work during the last ten years which have naturally and necessarily occasioned great discontent and disquietude among powerful classes in that country; and, taking into consideration the state of affairs in India, and the state of the public mind in India shortly after the annexation of Berar, I think we shall see that the whole of the Native princes were alarmed by our policy, and that though those who were most aggrieved were the Hindoo Rajahs, still there can be no doubt that the Mahomedan princes and population could not have looked at this policy without considerable distrust. I have shown that even so far as the tenure of land is concerned, irrespective of the principle of adoption, the Hindoo and the Mahomedan princes and population were equally affected; I have shown that a powerful society to defend the religion of the country was in active operation; and under these circumstances, I think the House will see that it is no exaggeration to assume that about 1854 and 1855 the temper of India was one of peril, and one which ought to have occasioned disquietude to the Government of that country.

It was under these circumstances—it was with the great body of the princes alarmed and the most powerful classes of the proprietors smarting under grievances—it was even in the midst of usurpation and confiscation, added to religious terror first touching the great mass of the working population, that an event occurred in India to the consequences of which I am now going to solicit your attention for a few moments. And that is the annexation of Oude, the effect of which, as I shall show, was of a peculiar and, as regards public opinion, if I may use the expression, of a generalizing character. Now, I am not going to-night at all into the merits of the Oude case. It is a subject which of course requires and will receive due attention when it shall come specially under the consideration of the House; but it would now demand too much time for me to enter into or even allude to the merits of it. I desire only to state a few facts. I must remind the House, that in the case of Oude the principle of adoption was not involved, for the ruler of Oude was a Mahomedan prince, and still is. The annexation of Oude did not take place in consequence of the alleged infraction of any treaty by the sovereign of Oude. It has never for a moment been pretended, that there has been any such infraction. On the contrary, not only the late, but the preceding and all other sovereigns of Oude have been our faithful and even affectionate allies. It is a fact, that no one can deny, that at the time of our greatest disaster in India, when our army was destroyed in Affghanistan, and when alarm with respect to the sentiments of the Native princes in some quarters was felt, so great was our confidence in the Sovereign of Oude that we denuded the contiguous province to his kingdom of all the forces we had there, and he not only sent us his war elephants, but even £400,000 sterling. If I touch upon these points, it is only that no false assumption should be raised from my silence. We shall be told, no doubt, that the condition of his country was not satisfactory, or that his character was not irreproachable. I shall not enter into these questions. But, whatever may have been thought of his conduct, no right can be founded on that for dethroning him; for by the treaty we had with him the very matter of individual incompetency or misconduct had been anticipated and provided for. And there was another reason why the Government of India ought to have looked with indulgence on the personal conduct of the late Sovereign of Oude; because the Government of India changed the line of succession in Oude, and placed the father of the late King on the throne instead of the prince, who by custom and by law ought to have succeeded. Of that prince I have some knowledge by the information I received some years ago from men most competent to speak of him. He lives in a distant eastern city upon a pension allotted to him by the Indian Government, and he was commended to me long before the question of Oude interested public attention as a man of spotless character, enlightened and amiable, and more competent, perhaps, to become a benevolent and judicious prince than, perhaps, any other that ever existed in the East. This, I think, is a circumstance which ought to be remembered when the deposition of the Sovereign of Oude comes fairly to be considered. However, the moment the throne of Oude was declared vacant, the English troops poured in; the Royal treasury was ransacked, and the furniture and jewels of the King and his wives were seized. From that instant the Mahomedan princes were all alienated. For the first time the Mahomedan princes felt that they had an identity of interest with the Hindoo Rajahs. From that moment they threw aside the sullen pride of former conquerors who would not condescend to sympathize with the victims of Sattara. They saw that from a system founded upon a violation of Hindoo law they were not to be exempted. The moment that the throne of Oude, occupied by its King, was declared vacant, and English troops were poured into his territory, the Mahomedan princes understood what would be their future fate. You see how the plot thickens. You have the whole of the Indian princes—men of different races and different religions—men between whom there were traditionary feuds and long and enduring prejudices, with all the elements to produce segregation—become united—Hindoos, Mahrattas, Mahomedans—secretly feeling a common interest and a common cause. Not only the princes but the proprietors are against you. Estates as well as musnuds are in danger. You have an active society spread all over India, alarming the ryot, the peasant, respecting his religious faith. Never mind on this head what were your intentions; the question is, what were their thoughts—what their inferences? But the annexation of Oude brought more than all this. Although you had alienated from you the hearts of princes and proprietors—although you had poisoned the former affection and veneration of the peasantry—there was a class in India which, if you had allowed it to remain faithful, might have enabled even the new system to have triumphed. It turned out that the great proportion of the Bengal army were subjects of the King of Oude. I have been told, on such high authority that I venture to make the statement in this House—although I heard it first with, I hope, some allowable scepticism—that there were not less than 70,000 men from Oude in our Indian armies and contingents. They were recruited from the villages; in some instances they were proprietors, in many more they were the sons of proprietors. They entered the service of the British Government. They looked forward, when their period of service terminated, to retire to their native villages with their pensions, and with the high privileges which, if not formally legal, they no less by custom effectually enjoyed. If an Oude subject, a soldier of the Company, were injured, and the authorities gave him no redress, he had a right to appeal to the British Resident. Here was a favoured class in Oude. Here was an *imperium in imperio*. I am not vaunting it. I am not praising it. I am stating facts. It is the existing situation which acts on the opinions of the man, and the opinions of the man produce the events. What is his position now? The Oude Sepoy finds that he has no village to return to, where he is to live the favoured subject of his native Sovereign. If he is injured, he must appeal to the Company, and be treated as all other subjects of the Company on the broad plains of Bengal. He goes back to his estate, or to the head of his family, his brother or father who holds it. This estate may be small, but it is as dear to him as the tenure of a Kentish yeoman. They have cultivated that estate, and they have paid to their native Sovereign the taxes claimed from them in kind. We know very well how taxes in kind are paid in Eastern countries. Sometimes they pay more than they ought, sometimes less, but when there is a bad season, though living under a despot, practically they defy despotism, and do not pay taxes at all. But the Oude Sepoy returns now to his village, and finds it belongs to the Company, and that the rigid revenue system of India is applied to his small property. I wish to enter into no controversy now as to the revenue system of the East India Company. Abstractedly a fixed payment, enforced under all circumstances, is infinitely superior to payment under Eastern systems; but it is practically superior only when the circumstances are such as to make a fixed payment more advantageous than trusting a great deal to the prince or proprietor. The Oude Sepoy finds himself subjected to a hard and novel system of taxation and revenue. He finds he has lost political privileges and his territorial position; and, for the first time, the great body of the Bengal army is disaffected. How does that act? With the princes, the proprietors, and the religious classes, all for a long time distrustful and disaffected: the opportunity occurs, and the only class which can keep them in order is angry and discontented. Hon. Gentlemen opposite will tell you that I have no evidence that there was any combination among these classes. It is a "sudden impulse," says the Chancellor of the Exchequer. He may as well have told you that the income-tax was a sudden impulse. The annexation of Oude took place in 1856. This is only the middle of 1857. Is it true that in the interval there has been no evidence of combination and conspiracy in India? There may have been evidence which the Government has not understood. There may have been symbols which perplexed them. There may have been conduct, the motives of which they could not penetrate. But, that there is no evidence of combination for the last twelve months, especially in Bengal, seems to me a position which cannot for a moment be maintained. The House has heard of the circulation of the mysterious cakes in India—or, if not, allow me to tell them what has taken place, and was taking place in India many months ago. This took place. A messenger comes to the headman of a village, and brings him six pancakes—*chupatties*, such as the Natives make of wheaten flour—and he says, "These six pancakes are sent to you; distribute them among as many villages, and make six others, and send them on with the same message to another headman." The headman obeys, accepts the six cakes, makes six others, and sends them on to the headman of the next village with the same message. How did it begin? It is a mystery. If we knew the village whence the pancakes were first circulated, we might get very valuable information; but all we know is, that, in the course of four or five months, the whole of Bengal, and the greater part of the contiguous country, have been subjected to this process of messengers going from village to village, from headman to headman, from police-station to police-station, leaving six pancakes, with no other order than that they should be circulated, and six other pancakes should be made and forwarded. I ask the House this:—Suppose the Emperor of Russia, whose territory in extent and character has more resemblance to our Eastern possessions than the territory of any other Power,—suppose the Emperor of Russia were told, "Sire, there is a very remarkable circumstance going on in your territories; from village to village men are passing who leave a pot of caviare, with a message to some one to perform the same office among their neighbours. Strange to say, this has been going on in some 10,000 villages, and we cannot make head or tail of it." I think the Emperor of Russia would say, "I do not know whether you can make head or tail of it, but I am quite sure there is something wrong, and we must take some precautions; because, where the people are not usually indiscreet and troublesome, they do not make a secret communication unless it is opposed to the Government. This is a secret communication, and therefore a communication dangerous to the Government." This sending of cakes went on. I do not say that the Government could penetrate the secret; I do not now find fault with them because they did not find it out.—What I want now to show is—that there were outward and visible signs of confederacy. There was also an indication of conspiracy among the military, which must have been known to the Indian Government. I allude to the circumstance of the lotus flower. A man came with a lotus flower, and gave it to the chief soldier of a regiment. It was circulated from hand to hand in the regiment, and every man who took it looked at it and passed it on, saying nothing. We must understand that every man who passed it on was acquainted with the plot. When it came to the last soldier of the regiment he disappeared and took it to the next station. The process was gone through in every regiment in Bengal. There was not a regiment, not a station, not an escort, among which the lotus flower has not in this way been circulated. All these things took place after the annexation of Oude, and then the Sepoys were drawn into the vortex of that conspiracy which had been long secretly forming. An hon. Gentleman reminds me that last year the Bengal regiments refused their furloughs. That was certainly significant. I ventured to say that I would show a state of society in India which proved the existence of general discontent, and, difficult as it might be to prove conspiracy, that I would offer to the House facts and circumstances sufficient to convince them that there was conspiracy. I think I have said enough to induce the House to pause before they form too precipitate an opinion upon the causes of the disasters in India. I think I have said enough to make the House at least feel that it is not by saying that we have to deal with a mere military mutiny that we shall save India. But, I said, and I think I have shown, that the condition of things was this—that the people of India were only waiting for an occasion and a pretext. That occasion was soon furnished, and that pretext was soon devised.

Turning for a moment to the last Indian papers—those relating to European troops—I find there an observation by Lord Canning which I think worthy the attention of the House. There is not much in these papers; but here is something to which I ought to refer. In a despatch dated the 7th of February, 1857, the Governor General takes, I think, a rational view of his position and of the condition of the Indian empire. He shows the dangers that may arise; but he remarks, "Peace has been restored in Europe, it is true, and with its return the disquietude which even a distant war had raised in the minds of the Native population in some parts of India has passed away." There is no doubt that the war between England and Russia occasioned disquietude in India. It is the character of eastern nations, and especially of the Indian populations, many of which are extremely warlike, to sympathize with war, and the moment they hear that there is a great struggle in Europe, such as that which took place a considerable time ago between England and France, or that which recently occurred between England and Russia, we find that their minds are agitated. The mind of India was disquieted at a time when there were causes of domestic disquietude also occurring; but no doubt the somewhat sudden termination of the war between England and Russia gave us a good opportunity of which to avail ourselves, in order to prevent the evils which threatened our Indian empire. It is impossible to believe that our Indian Government could have been ignorant of the state of the Bengal army. I cannot suppose that the strange expression which I have quoted from the Minute of the late Governor General as to the state of the Bengal army could have been anything but a political *ruse*, if I may use the expression; and if he avoided treating in detail of a subject which he knew was pregnant with so much danger, perhaps he considered—as I believe it is the habit to consider in India—that, although the Bengal army had been for years in a state of what may be called chronic insubordination, there was nothing in its condition tending to precipitate the revolutionary movements that have now occurred—for it was not known that they were in a long-prepared conspiracy with the other classes. But I ask the House what, in such a state of affairs, was the duty of the Indian Government, and of the Home Government? When they found what really was the state of the Indian army, what ought they to have done in order to preserve our empire? Unquestionably it was the duty of the Indian Government to have most solemnly impressed upon the Government at home that the time had come when they ought most seriously to consider the state of our Indian army and the means which should be adopted, in the event of an outbreak, to defend and preserve our empire. Who can doubt that such representations were made to the Government at home? It is almost trifling with the patience of assemblies like the two Houses of Parliament to be told by Ministers, when these grave events are occurring in India, that they had been taken completely by surprise, and that twenty-four hours before they had no idea of their possible occurrence. I cannot but believe that there are representations not only from Lord Canning, but from Lord Dalhousie—not only from poor General Anson, to whose probable despatch or Minute I have referred in my notice of Motion, but from other persons in authority — that must have brought the state of India before the Government at home. We can understand that, however cognizant either the Government in India or the Government in England were of the dangers impending in the death-struggle with the Russian empire, it was totally impossible to attempt to remove them. It was one of those conjunctures in which statesmen have a right to say, "Great as the stake is, and bad as our chances are, still for a long time we have lived upon chances in India, and in the midst of the efforts we are making in Europe we cannot give our minds or devote our means to a danger so distant." But I cannot understand why our Ministers, with the information which they must have had—because if they had not that information they only prove that there is no use for Ministers either in India or in England—the moment the Treaty of Paris was signed, did not regard it as their first duty to give all their energies and thoughts and devote all their resources to the settlement of India. Plainly, the first policy should have been one of profound peace —a policy suggested by the disquietude which had been occasioned, according to Lord Canning himself, by the war between England and Russia. What was the course pursued? Was it, as regarded India, of a sedative and tranquillizing character? Did we calm the population and at the same time inquire into their grievances and attempt to baffle their manœuvres and conspiracies? Why, Sir, the fact is, the people of India, who for long years, as I have endeavoured to show to-night, and I think not unsuccessfully, had been preparing for an outbreak, found that as soon as the struggle in Europe had ceased, Asia was made the scene of war, and that, too, not in one quarter only and with one nation. The Mahomedans had not previously sympathized cordially with the Hindoos. But what do you do? The most powerful class of Mahomedans in India—the Shiites—hear that you are going to make war upon an Oriental monarch, and that monarch him whom they regard as the head of their religion. There was nothing in that intelligence which tended to remove the disaffection of that class of the Indian population, and before they had recovered from it, they found there was war with China, and troops are sent from India to carry it on. The condition of India in 1856 has been shown to you by Lord Canning, in what may be called a wail of lamentation over the state of our Indian empire and the paucity of troops at his disposal. Nevertheless, at that very period troops were sent to Persia and promised to China, and the Madras army, feeble as it is, was told that it must garrison Pegu. At the time when it was the policy of England to soothe and tranquillize India, and to remedy the grievances occasioned by rash government, our Ministers had the hardihood to light the torch of war in every direction throughout the East. I am told that only 5,000 men were sent away, and 5,000 are coming back. The occasion which the discontented people of India were looking for, offered the moment they heard of these detachments of troops being sent to Persia and China; then they determined to take the terrible step we are discussing to-night. Do you think that the nations of India count your troops upon their fingers? They know that your troops are going away; they hope that you may have to send more; and, deciding broadly upon these facts, they do not inquire how many are going or how many are coming back; it is sufficient for them to know that you have war in Persia and in China, and that your European troops are gradually leaving the great Peninsula. That being the state of the case, the time being ripe, the occasion being offered—offered by the Government of England—a pretext only was wanted; and a pretext was soon found—your cartridges, greased in a manner to outrage their religious belief—men lost their caste by serving the Power which they had so long obeyed. I will not go into the question as to whether the cartridges complained of, are the same as have always been used, as we have been told is the case. I do not suppose any one will, after this discussion, suppose that, because the cartridges were believed to be, or were pretended to be believed to be, greased with pig's fat or cow's fat, that that was the cause of this insurrection. I hope, at least, that the rising generation in Parliamentary life, who are now entering upon their career amid occurrences which will furnish ample materials for long discussions during many years in this House— will not too hastily accept such a superficial explanation. The decline and fall of empires are not affairs of greased cartridges. Such results are occasioned by adequate causes, and by an accumulation of adequate causes.

I have now, Sir, endeavoured—imperfectly, I am aware—to sketch the causes which I believe to have led to the present condition of our Indian empire. I have omitted many things, and many of importance, from an effort to avoid overloading the subject with details, and I know I have subjected myself thereby to many observations in reply, which I might have avoided, had it not been for an anxious apprehension of trespassing too long upon the attention of the House. But I hope, at least, I have conveyed to the House with clearness the general positions I wish to establish, by which I do not seek to gain any fleeting party triumph, but that, after well and deeply considering and properly discussing this subject, we may arrive at some safe conclusion for our future guidance.

And now, Sir, I will turn to the second branch of my observations, and they will be much briefer than those to which the House has already listened with so much patience. Assuming, Sir, for a moment, that the general views which I have attempted to convey to the House are founded in truth, I have now to inquire what are the becoming means which the Government ought to adopt to meet the emergency with which we have to contend. In a certain sense and to a certain degree, there can, of course, be no controversy among us, because we are all agreed that in the present state of affairs the employment of force is the first and most necessary step. But the degree in which that force should be employed, and the manner of its employment, greatly depend on the views which the Government and the House may take of the cause of the emergency. A mere military mutiny may be met by a mere military effort. But if, on the contrary, what we have to deal with be an insurrection, supported by the favour and sympathy of the great mass of the population, our measures must, as I think, be both in nature and degree different from those of which we have had an intimation from Her Majesty's Government. Looking upon this as a national revolt—I cannot adopt the belief that the measures announced by the Government—merely military measures—are adequate to the occasion. I confess I should be inclined to doubt, whether they were adequate for a mere military mutiny; but under no circumstances, did I believe, as the Government appear to believe, that this is a mere military mutiny, would I presume to offer any strong opinion upon the means they have thought it right to take for putting it down. If when a mere military mutiny is to be put down, the Government cannot be trusted with the settlement of the amount of force to be applied and the means by which success is to be achieved, what confidence on any subject could be placed in them? Therefore, if I agreed that this was a military mutiny only, even if I was of opinion that the force they recommended was not sufficient for the occasion, I should leave the responsibility to them; and if they failed in their object from want of means, Parliament would be able to exact a due account. But, concluding, as I do, that this is something much more serious, I do not think that the means announced by the Government are in any way adequate to the occasion. Let us consider what are the means with which the Government intend to save our empire. We heard at first of 14,000 men to be sent out; but nearly one-half of that amount consisted of reliefs. Some 6,000 of those men are to fill up vacancies among the European ranks in India; so that, although the total number of troops to be sent out amounts, we are now told, from 20,000 to 25,000, yet the additional force we shall furnish will only be 18,000 or 19,000 men. Of that number how many can be fairly estimated ever to appear in the field? There will be the percentage of loss from the voyage, the percentage of loss from climate, and the casualties of warfare, even before war on a great scale has begun. Taking these casualties into account, you cannot fairly expect that of those 18,000 or 19,000 men more than 15,000 fresh troops will arrive on the field in India. Does the House believe that that is a sufficient force to cope with the present circumstances of India? To my mind, our efforts should be on a much greater scale. There should be not only an advance from Calcutta through Bengal, but also an expedition up the Indus—and, in my opinion, the latter would be the more important of the two expeditions.

It is only in that manner you can embrace and command your empire: altogether to meet this emergency, the noble Lord must take much bolder steps than he seems inclined at present to adopt. I think he ought to call out the militia—not only call them out, but embody them; and I do not understand, unless the noble Lord does this, how he can maintain the war with effect. Besides, if you send out a powerful expedition, it is necessary to establish in this country a powerful and ample reserve. How can that be done unless you not only call out but embody the militia? The noble Lord said the other night, in reply to some observations of mine, that he saw no use in calling out the militia, except to make that a means of recruiting the regular army. No doubt it is a high privilege and a noble duty for the militia to recruit the ranks of the regular army; but I cannot agree that it is the primary duty of the militia. Their first duty is to defend our hearths, and I do not see—not caring to allude to the present state of Europe, but simply regarding the alarming condition of Asia—what steps can be taken for the proper maintenance of our national defences unless the militia be called out and embodied, and unless the noble Lord comes down to the House to ask for ample means to prosecute the war in which we have embarked. I have made these observations as to the question of force, and I should not have ventured to make any criticism upon the acts of the Government upon this subject if I had been able to agree with them as to the causes of the disturbance. But, to my mind, that is not all that we ought to look to. Even if we do vindicate our authority with complete success—revenge the insults we have received—rebuild the power that has been destroyed—it appears to me that we have still a very great and responsible task before us, for it is impossible to drive from our consideration not merely the future of India, but also the present condition and feeling of the great mass of the population of that country. We may pour our legions and our fleets up the rivers and through the provinces of India—we may be successful—but to my mind we should add to that success and doubly strengthen our force—and I am prepared, for one, to give any support to Her Majesty's Government which they may require for that purpose—if at the same time we should say to India that supposes she is aggrieved and outraged—to India perhaps despairing of pardon—"Although we will assert with the highest hand our authority—although we will not rest until our unquestioned supremacy and predominance are acknowledged, from the Punjab to Cape Comorin—it is not merely as avengers that we appear." I think that the great body of the population of that country ought to know that there is for them a future of hope. I think we ought to temper justice with mercy—justice the most severe with mercy the most indulgent. But how are you to do that? What step are you prepared to take? How are you going, let me ask, to govern India, when, as I have heard, it has been circulated on the highest authority that the Native army in Bengal no longer exists? Has the House well considered the consequences of so easily saying, that as the Native army of Bengal has no longer any existence we should substitute for it English regiments? I do not wish to view the question as one of finance. This country is in a condition at the present moment which will not permit us to dwell upon such considerations—but it is a question not to be lost sight of or blinked. But suppose you had 100,000 or 200,000 Englishmen in India, could you govern India with their aid? You might as well talk of governing India with the House of Commons. Why, the assumption that you are to have an army of Europeans to govern India involves a complete revolution, both in your external policy and in your internal administration in that part of the world. How are you to invade kingdoms like Pegu—how are you to conquer countries like the Punjab—merely with men of English constitution? How could they journey through those burning deserts and perform those duties which now are with facility accomplished by the Native troops? You could not do it. Look at the condition of our English regiments in India. We have been obliged to guard them and protect them from the influence of the climate up to the moment of those battles which they have been called upon to fight, and which they have invariably won. Well, then, as to your foreign policy? With such a system, it would no longer exist. There must be no more annexations—no more conquests. You must entirely change all your relations with the States coterminous with your Indian empire. But look at your internal administration. Can you levy your revenue with English troops? Are English troops to be stationed at every outpost?

Are they to escort the money from your treasuries? Are they to perform all those duties which now are with facility performed by those whose habits and organization adapt them to live and work in that country? It is totally impossible that you can ever govern 150,000,000 of men in India merely by European agency. You must meet that difficulty boldly and completely. Well, then, the course which I recommend is this:—You ought at once, whether you receive news of success or of defeat, to tell the people of India that the relations between them and their real ruler and Sovereign Queen Victoria shall be drawn nearer. You must act upon the opinion of India on that subject immediately; and you can only act upon the opinion of Eastern nations through their imagination. You ought to have a Royal Commission sent by the Queen from this country to India immediately to inquire into the grievances of the various classes of that population. You ought to issue a Royal Proclamation to the people of India, declaring that the Queen of England is not a Sovereign who will countenance the violation of treaties—that the Queen of England is not a Sovereign who will disturb the settlement of property—that the Queen of England is a Sovereign who will respect their laws, their usages, their customs, and, above all, their religion. Do this, and do this not in a corner, but in a mode and manner which will attract universal attention and excite the general hope of Hindostan, and you will do as much as all your fleets and armies can achieve. But to do this, you must act with vigour. You must send to that country competent men—men of high station and ability, such as would entitle them to such office—and who shall appear in Hindostan in the Queen's name and with the Queen's authority. If that be done simultaneously with the arrival of your forces, you may depend upon it that your military advance will be facilitated, and I believe your ultimate success insured.

Sir, no one can be more sensible than myself that I have most imperfectly treated this great question. I may be asked why, with these convictions, I have ended these observations only with a Motion for papers. It may be said, that if the views of the Government and those that I have expressed appear to be so contrary, "Why don't you assert your opinions in a Resolution, and call upon Parliament to sanction it?" I will state the reason why I have not taken that course. I thought, and I still think, that it was of high moment, at this emergency, that the Parliament of England should not shrink from entering into a discussion on the state of our Indian empire It appeared to me that if we were to return to our counties in silence, we should have abdicated our functions, and lost all claim on the confidence of the people. It is at these moments that we who are the Great Council of the nation should stand forward to be the guides and guardians of the people of this country. The opinions of the Government upon this subject have not been expressed in such a decided manner—they have not been adopted so long—that I should despair to find that their minds would rise with the occasion, and that they would embrace a more vigorous and larger policy than they have hitherto seemed to intimate or recommend. I cannot renounce the hope that even the discussion of this night, after others may perhaps have been listened to more competent than myself, may elicit from the Government a declaration which may carry some hope and confidence to the people. If they should take that course, see in what a position we should then be placed. A united Parliament and a strong Government are two circumstances most necessary in the difficult position in which we are placed. That is a consideration that has influenced my mind. It is not that I myself on this or on any other subject on which I might recommend a policy would shrink from responsibility; but I wish to show to Europe and to Asia that it is not the object of the British Parliament to overthrow a Ministry but to save an empire. I trust, therefore, that this discussion will at least elicit such a declaration of policy on the part of the Government that the only duty of the House of Commons in future will be to support it with cordial sincerity. If they do not take that course—if they adopt insufficient means, and public disaster occur—deep will be their responsibility. We shall meet again, and perhaps sooner than this House two months ago deemed probable; and if they neglect their duty to the country, I, for one, will not shrink from responsibility. I will then appeal with confidence to an indignant people and to a determined Parliament, and I will ask them to unite their energies to save an endangered empire. The right hon. Gentleman concluded by moving, that there be laid before this House—

"Copy of any Minute or Despatch addressed to the Governor General of India, by His Excellency the Commander in Chief, the late Major General the Honourable G. Anson, dated on or about March 1856, relative to the state of the Bengal Army:

"Copy of a Report on the organisation of the Bengal Army, drawn up by the late Lieutenant General Sir Charles Napier, and transmitted to His Grace the Duke of Wellington, K.G."

Mr. VERNON SMITH: Sir, it is impossible to deny, and I am sure it is not my wish to deny, that the right hon. Gentleman has made on this occasion a very able and remarkable speech—remarkable for the fluency of the speaker, the variety of his resources, and all those qualities which adorn, and have long adorned, his character in this House. If it was a mere matter of pleasure to listen to an excellent lecture upon the state of our affairs in India at the present moment, even in this month of July, I think we could not have spent our leisure better than by paying attention to the right hon. Gentleman. But at the close of his three hours' speech I am tempted to ask what is the use of this oration? I am tempted to ask not only that question, but to go further and to ask, is not there very great mischief in bringing forward this subject in the manner in which it has been brought forward by the right hon. Gentleman? He has told the House that we have treated with levity these great mutinies in India. For my own part, I deny that I have ever treated them with levity. The right hon. Gentleman questioned me some weeks ago as to the state of affairs in India? I answered him as well as I was able from the information which I then possessed. If I treated the question without that apparent gravity and anxiety which he thought necessary, I can only say that, while they believed the best, Her Majesty's Government were prepared for the worst; but there was nothing in the tone in which I addressed the House which could give rise to the notion that I was not thoroughly aware of the condition of things in India, or that the Government was not taking every means in its power to put down these mutinies. The right hon. Gentleman, from the manner in which he has treated the subject, instead of having done aught to allay the apprehensions of the public mind, has introduced topics calculated to produce a vast amount of mischief. Now, amid much that was discouraging in the news from India, there were two grounds of consolation; but both of those grounds the right hon. Gentleman attempts to cut from under us. The first ground of consolation is that, as far as we are informed, there are not the slightest symptoms of the mutiny being a national revolt. There is not a tittle of evidence, and the right hon. Gentleman has adduced none to show that the outbreak arose from national discontent. Another most consolatory circumstance in our intelligence from the East is, that no native Prince has been as yet concerned in these transactions. The right hon. Gentleman sweeps away that source of comfort also from our minds. He says, there has been a conspiracy among the native Princes; but there is not the shadow of proof to show that there is anything approaching to a conspiracy of that kind. I was glad to find that the clock had reached the hour for the despatch of the next mail to India before the right hon. Gentleman told us that the Native Princes and Native proprietors of India were in their hearts our enemies. I now utter a distinct contradiction to that statement. Did not the Maharajah of Gwalior come forward with his contingent, and issue throughout his territory a proclamation that any man who brought in a mutineer should receive a reward of 100 rupees? Did not the Rajah of Puttealla come forward to assist us with his forces, although he might have pleaded the existence of a dispute between him and the East India Government? I defy the right hon. Gentleman to show that any one of the Native Princes, our gallant allies, have sullied all their loyalty by betraying us at this juncture. Therefore, however much we may admire the right hon. Gentleman's eloquence, we must, I think, regret the excessive inexpediency of his Motion. As to his Resolution itself, it is well known that it means nothing. One of the papers for which he has moved does not, I believe, exist. I refer to the imaginary official despatch from the Commander in Chief to the Governor General. I told the House before that I had directed every search to be made in the department over which I preside, with a view to discover such a document; but no such document has been found. A similar search has been made at the India House with the same fruitless result. The only despatch from the Commander in Chief which bears in the remotest degree upon the point described by the right hon. Gentleman is a despatch which relates merely to two or three officers who are mentioned by name as being relieved from their regimental duties, and are desired to return to them. As to the other paper—the despatch from Sir Charles Napier to the Duke of Wellington—it refers to a totally different subject from that stated by the right hon. Gentleman. It relates to the defence of our frontiers, and particularly to the defence of the frontier of the Punjab; and although there may be incidental references to the state of our troops, the right hon. Gentleman must see that the document is one which ought not to be unadvisedly produced. But I may tell the right hon. Gentleman that the part of the despatch which relates to the state of the troops does not, in the smallest degree, bear out his surmises. This memorandum was sent in 1849 to the Duke of Wellington, who was then alive, and who considered it so unimportant that he took no notice whatever of it; nor, indeed, has any Government from that day to this acted upon it. Any charge of negligence against any particular Government on that score must therefore fall entirely to the ground.

I do not think it necessary that I should follow the right hon. Gentleman through the details of all the operations carried on for many years past in India. Certainly, most of his strictures would not apply to the present Government, nor to the Government which immediately preceded them. The right hon. Gentleman's review of Indian affairs extended from the year 1848 to the year 1857; and if any censure were implied, the Government of which the right hon. Gentleman was himself a Member must come in for its share of it, for his charges extend over the period when they were in office. In respect to many of the right hon. Gentleman's observations, so far from holding an opposite opinion, as he seemed to anticipate, I entirely concur with him. He says that everything in Indian affairs is changed. Well, who is responsible for that change? It is quite true that India has, for several years past, been in a state of transition; that is to say, European ideas have been sought to be adopted throughout India by persons engaged in civil and military employments there. The reason for this is, that greater attention has been paid to India by this country, and the consequence has been, that Gentlemen in the House of Commons have frequently brought forward Indian questions, always endeavouring to engraft their English notions upon Indian policy. Whether that be right or wrong is certainly a grave problem in philosophy. The right hon. Gentleman says it is wrong; but those who are constantly twitting the Indian Government with not advancing rapidly enough will do well to remember that the right hon. Gentleman ascribes all the present evils to our moving too fast. According to the right hon. Gentleman, everything like interference with what was antiquated, obsolete, and contrary to the spirit of the age, has helped to produce this commotion in the Indian army. On the same ground he condemns the recent measures in relation to Hindoo marriages, and for the abolition of the suttee. ["No, no!"] He certainly mentioned the abolition of Hindoo ceremonies as one of the causes of the present excitement. I believe that all this is perfectly true. I have not a doubt of it. But these measures were the result of the irresistible course of events in this country, for which no man can fairly hold the Government responsible. The government of India is, and always has been, a most difficult problem; and it has become infinitely more difficult than ever since the attention of the Parliament, the people, and the various religious sects of England has been more closely drawn to Indian questions. The right hon. Gentleman says that, by changing everything, we have committed three huge errors—we have disturbed the Native authority—we have interfered with the property—and we have interfered with the religion of the people of India. He went with great detail into the whole question of interference with Native authority. He analyzed the famous Minute of Lord Dalhousie. I certainly have a great admiration—in which, I dare say, the right hon. Gentleman agrees with me—of the high character and eminent abilities of Lord Dalhousie; but I do not pretend to say that that noble Lord did not go too far in abolishing the Hindoo system of adoption. And when the right hon. Gentleman speaks of the Government endorsing that policy, he entirely forgets the fact that that policy was rejected by the Court of Directors and the home Government. But it is not a perfectly plain case that the Hindoo system of adoption always extends so far as to strangers. It has been admitted to extend to blood relations, even although they go back for centuries, and therefore sovereigns and proprietors who have inherited their lands for several hundred years may claim the right of adopting heirs from their descendants and collateral relations. This, however, is a grave question, well deserving the attention, not of the House of Commons only, but of other persons who are more capable of solving it, and of eliciting the exact truth. Every question of succession in a State in India ought to be taken separately, in order to arrive at a just conclusion. The right hon. Gentleman thinks of applying one system to all these States. I do not think it would be advisable or practicable to attempt any such arrangement. Every State in which the issue has failed has its own law of adoption, its own customs and usages, and, without entering into the consideration of these, it would be impossible to pronounce off-hand that the system propounded in Lord Dalhousie's Minute is incorrect. No doubt his Lordship treats this question rather cursorily, because he is addressing the Court of Directors, who are aware of every individual instance to which his doctrine applies; but, before we decide whether he was right or wrong, in justice to Lord Dalhousie, we ought to analyze every separate question, and examine the foundation on which it rests. Instead of that, however, the right hon. Gentleman passes one sweeping condemnation upon his policy as to adoption, and states it to be one of the causes of discontent. The fact cannot be too much insisted upon, that there is no apparent connection between the Native Princes and this revolt. If the Native Princes were offended with the conduct of the Government towards the Rajah of Sattara, no doubt they would have manifested that feeling at the time. The right hon. Gentleman says that the Nizam ought to take warning. But the Nizam has taken no warning—he has shown no dissatisfaction towards our rule. The right hon. Gentleman, indeed, tells him that he is very unwise in not taking offence at our policy; and, no doubt, if the right hon. Gentleman's speech produces its natural effect in India, we shall have a whole shoal of discontented Native Princes, either rising in rebellion, or coming to this country with their discontents, or at all events finding eminent lawyers to bring their cases before the House of Commons. According to the right hon. Gentleman's statement, heavy charges have been brought by all the Indian Princes, or those who would have been Indian Princes by adoption, against the Government. I utterly deny the assertion, and am somewhat surprized at such a statement coming from such a source. I do not know whence the right hon. Gentleman has obtained his information. Certainly two or three cases involving rights of adoption have been recently debated in this House, but we had no assistance from the right hon. Gentleman in discussing them; indeed, I do not recollect his having even taken part in Indian debates, until this unfortunate mutiny so alarmed him as to call forth his elaborate speech of to-night. The right hon. Gentleman would, however, I think, have done well if he had shown a more prudent reserve. I am quite aware that the difficulties of an Administration are the opportunities of an Opposition, but I think the right hon. Gentleman and his friends will do more mischief to the interests of the country, and to themselves as a party, by this Motion, than will be compensated for by any advantage they can derive from it.

The right hon. Gentleman next referred to what he called the disturbance of property in India, as one of the causes of the great wrath against our Government that now existed in that country. In so doing, he alluded to the propriety of inquiry being made by a Royal Commission into the rights of tenure under the Native Princes. Now, I at once admit that we have not dealt with many of those tenures as the Native Princes did. Many of them were of feudal origin, and could not be carried out under our system of government. For example, the holders of land had, in some cases, to keep horses saddled and bridled ready for the use of the Rajah when he went into action. Such tenures as these—and there are thousands of a similar kind—were brought to an end when the government of the country came into our hands, and in most cases it was for the advantage of the tenant that it should be so. The Rajahs were, among other things, entitled to what we call fines from the holders. These fines were done away with; but, by the equalization of their property, it has been found that, on the whole, the People have rather gained than otherwise. It is beyond doubt that enormous frauds and corruptions have taken place, and there may be a good reason for the appointment of a Commission; but the right hon. Gentleman, without assigning these frauds as a cause for inquiry, has dexterously, for the applause of his own supporters, thrown out the idea that a Commission has been appointed to inquire into the titles of the proprietors to their lands. No doubt much discontent has been caused in India by the changes that have taken place, especially among fraudulent proprietors, and others who dreaded any inquiry into the existing state of things; but does any important change of law ever take place in our own country without creating discontent among some class or other affected by the change?

The right hon. Gentleman, in the third part of his subject, referred to a matter of the greatest and deepest importance—namely, our alleged interference with the religion of the natives. That is unquestionably a matter of great delicacy and difficulty; but the feeling with regard to their religion being insulted is not a new thing with the people of India; it has been going on for many years, and we find it in operation among the natives as far back as the time of the mutiny of Vellore. The historian of that mutiny, after stating that the natives of India are not opposed to controversy on religious questions, observers that it was not the dissemination of Christian doctrine by the missionaries that excited their hostility on that occasion, but a belief that the Government entertained the idea of compulsory conversions. I believe it is much the same now; I believe that the missionaries, excellent and intelligent men, are received wherever they go with respect by the natives, who have no sort of objection to listening to them. They are accustomed to every shade and variety of religion, and look upon the missionaries as men who are only discharging what they regard as a sacred duty. Perhaps they may look upon them as fanatics, just as they consider there are fanatics among themselves, but they manifest no antipathy to them, and always listen to them with respect. It is different, however, when missionaries are found among the civil servants of the Government, or among military men? When they see men like Colonel Wheeler, for example, preaching in the bazaars and distributing tracts to the soldiers of his own regiment, they begin to fear that the Government is contemplating compulsory conversion. I have no hesitation, therefore, in saying that it would be the best possible policy of the Governor General at once to interfere and peremptorily to forbid in every instance the exercise of missionary zeal among the civil and military servants of the Government. This is, however, not a new question; it is one that has for many years excited a deep interest in this country, and has led to the publication of numerous pamphlets; among others one by a relation of my own, the late rev. Sydney Smith, who, on the subject of Indian missions warned the Government against disaffection being spread among the troops from this source. Some years ago orders were sent out against the interference of these lay missionaries; but these orders gradually fell into abeyance, and the system had since been carried on with renewed vigour—not because the Government desired it, but because the zeal of the House and the country had resolved that the system of conversion should be carried out to the fullest extent possible. If, for instance, some weeks even ago I had suggested that all those civil and military servants of the Company who took part in missionary labours should be removed, I should have been met by shouts of disapprobation; for it had always been a favourite idea of some parties that India was a field peculiarly adapted for the labours of the missionary; and in the House of Lords a nobleman distinguished for his zeal in the cause of religion and charity, and for his ability and attainments had boldly uttered the doctrine that it was better to lose India than to abstain from these attempts to propagate our religion among the natives. The right hon. Gentleman has adverted to Mr. Halliday. Why, Mr. Halliday, after the insurrection of Santhal, proposed that the whole of that territory should be handed over to the missionaries for the purposes of education, to this course I decidedly objected. I thank the right hon. Gentleman opposite for having stated his opinions so boldly on this question of religion, and I can only repeat that I entirely concur in the opinions he has expressed.

The right hon. Gentleman next referred to the question of annexation. Now, I do not say that we are entitled to seize upon every portion of territory that we can possibly lay hold of; but, on the other hand, I do not object to many of the cases of annexation to which he has referred. The right hon. Gentleman began his list of annexations with the advent of Lord Dalhousie,—a course that I think was rather unfair, for there were annexations before that time. There was the dispute with the Ameers of Scinde, and the case of the Punjab, which ended in annexations. [Mr. Disraeli: Those were annexations by conquest, and not the kind of annexations to which I referred.] But I cannot allow the right hon. Gentleman to draw so fine a line of distinction as that which he makes between annexations gained by conquest where we had provoked the quarrel, and those which have followed what he calls a violation of the principle of adoption. This brings me to the question of Oude, which I admit is one of the greatest importance. The right hon. Gentleman says, and says truly, that Oude is a question by itself, and that one evening would scarcely suffice for the proper discussion, and he therefore touched upon it but lightly, and I shall follow his example. Oude was annexed in the early part of 1856. It was known that it was about to be annexed during the whole of 1855; the papers respecting the annexation were laid on the table in 1856; but up to the present time not a word has been said about it, and I have a right, therefore, to conclude that the House of Commons looked upon that annexation as not being a question of such pressing interest as to make it necessary for them to take it up. When the right hon. Gentleman talks about the exclusive rights of the Native Princes he must remember the rights of the subjects of those princes and of the obligation which rests upon us to see that those subjects are protected in their rights. He has spoken of Princes and proprietors, but altogether omitted the people. These subjects of the King of Oude were kept in subjection entirely by our power, and we thus made ourselves responsible, morally at least, for every act which the King did. We had our troops and our Resident there. If we had withdrawn them there would have been complete anarchy. Lord Dalhousie thought that the state of things in Oude was such as ought not to be tolerated under our rule, and he decided that it would be better to annex the country. I will not enter into the question whether it was done in the best manner or not, but it certainly was done in the manner least likely to be offensive to the feelings of the parties concerned. We have the best possible reason to believe that the state of that kingdom as regards the people, at least, has exceedingly improved since the annexation. The right hon. Gentleman, in his anxiety to connect everything which has gone wrong with this mutiny, asserted that the mutiny began with the Oude Sepoys, and that they were discontented with the annexation. I cannot tell exactly whether the right hon. Gentleman is right in saying that there are 70,000 Sepoys from Oude in our service; it is an enormous number certainly; but if they are discontented it is because they have lost the exclusive privilege of redress which they formerly had. An Oude Sepoy, wherever he was, when he had a grievance used to communicate it to his relations in Oude. They went to the Minister, and the Minister, glad to have an opportunity of proving how anxious he was for the welfare of the people, immediately laid it before the Resident, and thus the Sepoy from Oude had a means of getting redress which other Sepoys had not. It does not, however, follow, that the state of that country is happy where such a monopoly of redress exists; and Mr. Coverley Jackson, who was the Resident in Oude, is now in London, and bears testimony to the superior comforts and condition of the people since the annexation took place. The right hon. Gentleman is wrong, too, in saying that the Oude Sepoys have been withdrawn from their homes. The contrary is the case, for they have been quartered very much in their own territory, and I can only hope that they will be as satisfied with the measure of subjection to our rule as the rest of the population undoubtedly are. The right hon. Gentleman has completely failed to connect the case of Oude with this outbreak. I can see no connection between the two, nor can I imagine that there can be any, unless it were by means of some of the courtiers who surround the King of Oude at Calcutta, of which I have seen no trace, and should be very sorry to see any.

The right hon. Gentleman complains of the meagreness of the papers, because they do not furnish him with any of those proofs which he expected from them of the Government having long since received warnings of this outbreak. If the papers are meagre it is because there never were any such warnings as the right hon. Gentleman desired to find in them. The right hon. Gentleman left it to me to produce what papers I thought best. I produced a narrative of the mutiny in the first set of papers; and in the second set, as there was no limit fixed as to how far back they were to go, I adopted the limit which was contained in the notice given by the Marquess of Clanricarde in the other House—namely, the 1st of April, 1856. To the assertion that the Government have received any warning of this outbreak I give a positive denial. The right hon. Gentleman says that the circulation of the *chupatties* ought to have been a warning to the Government; but that was confined entirely to the native villages, and it is well known that the villagers have taken no part in the outbreak, but, on the contrary, have done all in their power to assist the Europeans who were forced to take refuge among them. As to the refusal of furlough, it is not the fact that many regiments refused their furlough. That refusal was confined to a part of one regiment—it was a mere isolated fact, and, even if it had possessed any significance, it only took place in April, so that it could have been no warning to the Government in England of what was going to take place in India in May. Another allegation is that the troops never thought of revolting until they heard of the wars with Persia and China, and the consequent drain of European troops from India. If that be the case they certainly chose a very inopportune moment, for they revolted just as they heard that the troops were returning from Persia; in fact, I believe the European regiments landed from Bushire about two days after the mutiny commenced. And, with regard to the China war, no European troops were withdrawn from India on account of it, but only two Native regiments. There was not the slightest warning of any disaffection in the Native army sent home to this country; on the contrary, perfect reliance was placed in these troops. Lord Dalhousie, in the only sentence in his Minute which refers to the army, says, "There never was a military man in such a condition as the Sepoy." Look, too, at the farewell address of Sir William Gomm. The other night an hon. and gallant Officer asked me whether any report had been received from General Anson, pointing out the dangerous condition of the Bengal army; I replied in the negative; and it was then suggested that such a report might have been received from Sir William Gomm, the previous Commander in Chief. Again, there was no ground for any such supposition; and, in point of fact, Sir William Gomm, in his farewell address to the army, expressed his admiration of its discipline and efficiency. Sir William Gomm was appointed by the Duke of Wellington, who knew India; he was in India five years, and his opinion of the Native army was that it would perform any service that was required of it. That was the opinion of Sir William Gomm just before he left India; but there is no record of the alleged opinion of General Anson. I now come to the opinion of the "fiery Napier," as he has been termed by the right hon. Gentleman. Sir Charles Napier was no doubt one of the most eminent authorities about India. He was a man of very great abilities, but like many other men of genius, he frequently exhibited great eccentricity and inconsistency; but, if I were to go into a detailed examination of his writings I should find that he has given opinions very much in favour of the Sepoys. He said that in many respects the Sepoys are the finest soldiers in the world; he says their qualities are such that the young men are good in action, and the veterans are steady and experienced, while in physical qualifications and in height, though not perhaps in breadth, the Sepoys beats the European soldier. It would no doubt be easy to bring numerous instances of Sir Charles Napier's admiration of the Sepoy regiments. Sir Charles Napier was in Bombay, and afterwards in Scinde. He was also Commander in Chief of the army in India. It is said that Sir Charles Napier, when at Bombay, wrote against the system of promotion by seniority in the Bengal army; but when he got to Bengal he never made that alteration in the army, although, being then Commander in Chief, he surely had opportunities of carrying into effect any alteration which he thought desirable in the Bengal army. The House should also bear in mind, that the opinions of Sir Charles Napier had only become known to the Indian Government by the recent publication of his Memoirs. I do not believe that Sir Charles Napier ever made a remonstrance to the Court of Directors or the Indian Government of the kind now quoted. I know it may be said that Sir Charles Napier had a sovereign contempt for the Court of Directors and the Government; but if for that or any other reason he did not communicate with them, it is surely a sufficient excuse why they did not act without an official remonstrance by Sir Charles Napier upon opinions thrown off by him in 1849, and never brought under their notice. I will very readily admit that Sir Charles Napier must be considered a very high authority on any military question, and I should, for my part, be prepared to attach the utmost importance to any opinion that might emanate from him upon any subject; but I cannot admit it to be a reproach upon the Indian Government that they did not act upon suggestions that never were made known to them. The right hon. Gentleman said, that during the Russian war the Government were so hampered that no one expected them to attend to India. So far, however, was it from being thought we ought to send more European troops to India, that we were taunted for not withdrawing troops from India to send them to the Crimea. I remember my hon. and learned Friend the Member for Devonport (Sir Erskine Perry) bringing forward a Motion upon the organization of the Indian army. My hon. and learned Friend said, we might withdraw twenty-five regiments from India. [Sir Erskine Perry dissented.] I certainly understood my hon. and learned Friend to have stated that twenty-five regiments from India would have formed a capital contingent against the Russians. Sir De Lacy Evans, a greater military authority, said in 1855:—

> "If now it were found by that Committee that our Indian territory was in a state of tranquillity, such as to afford the assurance that there was nothing to fear from domestic convulsion or from foreign aggression for a considerable period, why, he would ask, should the Government of this country, by a mere technical difficulty, be deprived of the advantage of being able to employ elsewhere a portion of the European force of the Indian army? He said European force, because he was not one of those who thought that it was desirable to employ Sepoys in the present war in the Crimea, as they did not possess sufficient strength for that species of work; but the English force in the service of the East India Company, he considered, might be employed to advantage."

It is all very well to cry out now that the calamity has arisen, and say that it ought to have been foreseen. Of course, on occasions of this kind there are always a number of men who are wise after the event, who will say that they prophesied what has taken place, and that every one foresaw what would happen except the Government. But I do not think that many Members of this House, looking back to their speeches, will say, that they have given us warning of recent events; and I firmly believe that the persons best acquainted with the condition of India never anticipated the present military insurrection. The current of opinion has been, indeed, quite the other way; and it has been the same in India. I have asked the best authorities, and those who have had the best opportunities of observing the Mahomedans and the Hindoos, whether they heard in society that there existed any appearance of dissatisfaction among the Natives. They all agree that the matter was never even discussed. What was the opinion of Parliament in 1853? A Committee was appointed upon India in 1852, when the question of the Indian army was considered. Nothing was recommended to be done in regard to the Indian army. The Committee were appointed under Lord Derby's Government. Mr. Herries, the President of the Board of Control, moved for the appointment of that Committee without making any allusion to the Indian army or any danger arising from that source. In 1853 the Act was passed relative to the Government of India. I attended all the debates, and nothing was said about the Indian army, and no one Member seems to have contemplated the possibility of a revolt of the Native troops. There was indeed a clause in that Bill to give additional power to the President of the Board of Control to increase the number of the East India Company's army; and that brings me to the jealousy which Parliament has always displayed of adding to the Queen's troops in India. That jealousy was raised during Mr. Fox's Bill, and ever since there have always been apprehensions entertained of sending more than 20,000 men to India. The fear expressed never was as to the insecurity of the Native force, but was always that the Minister would take advantage of India as a depository of patronage, and would keep up as large a standing army as possible in that country. The same policy has been enforced on considerations of economy. I have frequently heard it stated in this House that the question of finance involved the only danger to our dominion in India; and when I came into office I was warned that this was the one thing to be attended to. I was told that the finances of India admitted of no expansion—that there were certain sources of revenue to which it would be impossible to make any addition. Nor did it appear that there were any great means of decreasing the expenditure. The late Governor General thought that any great diminution of the expenditure was next to impossible. There was some question of reducing the salaries of the civil servants to a sum rather greater than was given in the colonies; the very mention excited offence, for the only public in India is the civil service; and it is not to be expected that the civil servants will show much zeal in reducing their own salaries.

The right hon. Gentleman went into a detail of the causes of the late mutiny, and I will not blink the question of the immediate cause of that mutiny. The right hon. Gentleman forces me to enter upon this subject, though I should not otherwise think it advisable to do so. In my opinion, it would be very presumptuous and premature for any person in this country to lay down authoritatively the precise causes of that event. The right hon. Gentleman says it is a national revolt. If I was compelled to give an opinion, I should have said that it was more a military mutiny. It is impossible at present to declare what has caused it, but if it be a military mutiny I say it is impossible to suppose that there was not, in the first instance, some mismanagement at Meerut. At Meerut there was no deficiency of European regiments—a fact which the right hon. Gentleman opposite would do well to bear in mind when he speaks of the inadequacy of the European force which was maintained in India as one of the main causes of the recent unhappy occurrences in that country. When the news of what had taken place at Meerut first arrived here—which intelligence, I may observe in passing, the right hon. Gentleman accuses me of having treated with levity—I was enabled at once to ascertain, to my great delight, that there was a large European force stationed in that quarter, and I was, I must confess, somewhat astonished to find when the next mail came in that the outbreak which had occurred there had not been quelled. What really happened at Meerut was that which I am about to state. Eighty-five Native soldiers, who had been imprisoned for disobedience of orders, were brought out manacled into the presence of their comrades—a course which ought not to have been taken unless there had been such an overwhelming European force at hand as would have checked any tendency to insubordination, and without such a display so extreme a measure ought never to have been adopted. Be that as it may, however, the result was that an outbreak took place, and the mutineers were allowed to make their way to Delhi, in the most unaccountable manner, without pursuit, along one of the most open roads in India:—so that it is impossible to conceive—though I should be sorry to give any positive opinion on the subject—that there was not some mismanagement connected with the whole affair. In all such cases it is, I may add, the first step which is of the greatest importance, and it is to the energy which was displayed by General Gillespie that we were indebted for the promptness with which the mutiny at Vellore was put down. The right hon. Gentleman has omitted to state many circumstances which in all probability largely contributed to produce the calamity. One of the principal causes of the existing state of things in India is said to be that a great number of officers in that country were withdrawn from military and engaged instead in civil employments. Well, if that be the true cause, I can only say that the system is one which has been in operation for a period of fifty or sixty years. That it has prevailed is a circumstance which cannot at all events be fairly laid to my charge, for my only act with reference to the strength of our army since I came into office has been to add one captain and one lieutenant to each regiment. I must, however, in fairness state that the employment of European officers in a civil capacity is a system which is held by many high authorities to be perfectly defensible. It is regarded in the first place as being a great boon to the service—as being a great incentive to exertion; while it is confidently asserted by many persons who are well acquainted with India that the presence of European officers in great numbers in the army is not always productive of advantage. In corroboration of that view, I may observe that in the best portion of the Native force—I mean the Irregular Cavalry — there are very few European officers; but it is also true, no doubt, that these officers are picked men. We cannot, therefore, with any degree of fairness, in my opinion, ascribe the occurrence of recent events in India entirely to the cause which I have just mentioned. The origin of those events might perhaps more correctly be traced to the fact that the impression, owing to the progressive spirit of our age, prevailed among the Natives of India that it was our object not so much to christianize as to denationalize or de-Indianize them, if I may be permitted to use that expression. Again, the attachment which the Native soldier formerly bore to his officer has of late years, from various causes, considerably diminished. In past times, the yearning for home used not to prevail to the same extent among the officers, or at least it had not the same chance of being gratified. Englishmen in military command used to look upon India as their home and residence. Now, however, the modern facilities for furlough has given rise to an unceasing appetite to the same class of men for a return to England; and this circumstance, I have no doubt, has exercised a considerable influence in promoting disaffection in the Indian army. It must, moreover, be admitted that the tone and temper displayed by the European officers in India of late years have—as far, at least, as I can learn—caused a severance between them which did not in former times prevail. That tone and that temper are such, I have heard, as to lead them to speak at mess and upon other occasions of the Sepoys as "niggers," and I may, while referring to that point, take occasion to express my approbation of the excellent address which was lately delivered by my hon. Friend the Chairman of the East India Company to young men about to enter into their service in that country. My hon. Friend has been, it is true, found fault with by an old Indian officer for the tone which he took upon that occasion; but I think the advice which his address contains must, if followed, be productive of the most beneficial results. Another mischief has arisen from the concentration of its power at head quarters, for if an officer be neither feared nor loved, he cannot hope to be obeyed. I shall now, with the permission of the House, read an extract from an account which is given by an officer, who formerly served in India, of the feeling which then prevailed between the Native soldiers and their officers. He states that there were at the time in his regiment two officers of twenty-five years' standing, and a number of younger officers; that the greatest intimacy existed between them and the Natives, whose goodwill they gained by joining in their pastimes, by contributing to defray the expenses of their festivals, by such trifling acts as playing with their little children, arranging their lawsuits, and settling their quarrels. A different state of things, I regret to say, has since sprung up, and I must confess that the want of a kindly feeling between the officers and men is one of those evils for which it is extremely difficult to find a remedy. It is easy to effect improvements in administrative details; but how is it possible to alter the feeling of men, or those relations between different classes which have their origin in mere feeling. It is a question which legislation cannot affect, and one which in my opinion can be dealt with in no other way than by endeavouring to introduce a different tone into the service. But the right hon. Gentleman opposite has sought to find another reason for the breaking out of the mutiny in India in the objection to the holding of certain processions which, he says, was made upon the part of Lord Canning. I must, however, confess that I do not exactly know to what processions the right hon. Gentleman alludes; and this I can state to be the fact—namely, that Lord Canning has shown the utmost determination in putting a stop to all interference with the religious ceremonies of the Natives in India, and has placed his veto upon some proceedings of the suburban police which appeared to have that tendency. The undoubted popularity which my noble Friend enjoys among the Natives is, I believe, in a great measure to be attributed to the policy which in that respect he has adopted, and I am sure the House will concur with me in the opinion that he is entitled to the highest praise for having prevented, as he has done, all interference in matters with respect to which the people of India are so peculiarly sensitive.

I may now advert to the circumstance that the Act of 1853, by which Parliament was enabled to establish a new Legislative Council, endowed that Legislative Council with powers which had no previous existence in the executive Government in India. The result has been that the members of that body, imbued no doubt with a desire of distinction, have brought forward Bills for the promotion of English as opposed to Indian objects. I trust, however, that recent events will serve as a warning to them not to tamper with the religious—call them if you will the supersitious—feelings of the people of that country. Well, the right hon. Gentleman opposite has, among other things, alluded to the question of education in India, but he has not told us what course we ought to take with regard to that question in preference to that which has been adopted. The fact is, it is a subject in regard to which it is impossible to stand still, but in dealing with which it is desirable that we should proceed with the utmost caution.

Having now discussed the alleged causes of the mutiny in India, I shall proceed to deal with the important question of the remedy which ought to be applied. Well, Sir, the right hon. Gentleman complains that we have not taken care to send out a sufficient number of troops; but the fact is that he has fallen into an error in his calculation, for we have sent out more troops than the Governor General asked for, and the number of men sent out, or to be sent out, amounts to nearly 20,000. I may say that two regiments which were to proceed to China have been stopped, and also 500 men have been sent from Ceylon and two regiments from the Cape. That is a very large force, and we must take into our consideration not only the numerical force, but also the awe with which a European army is always regarded by Orientals. It appears to me that in Indian warfare the extent of that awe is difficult to imagine, and therefore it is that we have seen that in India English generals may lay aside their preconceived notions of strategic warfare, and dare hazards which against other enemies they could not venture to risk. It has been so from the battle of Plassy downwards; and even lately in Persia we have had an instance of the terror with which Orientals regard Europeans, where we have seen a well-equipped force of no less than 7,000 men routed and thrown into confusion by forty-five dragoons.

Now, then, the right hon. Gentleman says that he would issue a Royal Commission to proceed to India. Why, that would be virtually to supersede the Governor General. I cannot think that in a moment of trouble and difficulty it would be expedient to hamper the movements of the Governor General, more especially when that Governor General is a man like Lord Canning, in whom we have the most perfect confidence. From the very commencement of these transactions, Lord Canning has not only committed no mistakes, but he has corrected the mistakes of others. When, unfortunately, Mr. Colvin made the mistake of offering an amnesty to those mutineers who would return to their duty, Lord Canning, at once negatived that offer—and, in fact, there is not one act of his which has not been marked by vigour and good judgment. I think, therefore, that with a view to immediate action to supersede Lord Canning would be a fatal error—it would not only be unfair to him, but would be injurious to the public good, but it is very possible that a Commission might be usefully employed with the sanction and under the authority of the noble Lord. What I have done has been to write to Lord Canning to ask him if he wishes for a Commission, and, if so, of what class of men —whether military or political—he would wish that Commission to be composed. It must not be imagined that to deal with this question we require some great master-mind to point out the course which we ought to adopt. If we have a great master-mind, all the better; but in the meantime our course appears to me to be very plain, and the remedies for the evil appear to be well within our reach. The right hon. Gentleman wishes that the Queen's name should deliberately be connected with everything done at present in India, and he recommends that an assurance should be given to the people of that country, in the name of Her Majesty, that while the most vigorous measures will be adopted to suppress the mutiny, they will be treated with humanity and consideration as to the future. Now, I can assure the right hon. Gentleman that the issuing a proclamation on that subject is not necessary to convince the native population that while the rebellion will be sternly suppressed, the quality of mercy will be exercised in the subsequent proceedings of the British authorities. The right hon. Gentleman in talking about delay in the redress of grievances in India must remember in what hands the Legislature has thought proper to place the government of that country. In the year 1853 Parliament again deliberately placed that government in the hands of the East India Company, subject to the control of the Crown, and the constitution so established must necessarily be carried into practical effect. The machinery of the Government was instituted by Parliament with a view to caution, and what is the effect of that machinery? Why, if any improvement suggests itself to any one he has to communicate it first to the President of the Presidency in which he resides, the President of that Presidency then communicates it to the Governor General, the Governor General communicates it to the Legislative Council, who, after taking time to consider the matter, refer it to the Court of Directors, who read all the papers upon the subject, and then refer it to the Board of Control, where again the documents must be read for a final decision. That is the system which Parliament itself has chosen to provide for the Government of India, aud of course it is necessarily unsuited for rapidity of action. That, however, is a subject which ought properly to be considered at some other time than the present. As I have mentioned the Board of Control, I may be allowed to advert to a circumstance connected with it. It has been said by one, who is thought by some persons a high authority upon Indian affairs, (Lord Ellenborough), that persons connected with India view with the utmost distrust the gentleman who now has the honour of holding the office of President of the Board of Control. Now, we know that the noble Earl entertains something like a vindictive feeling against the East India Company, and I myself, in my earlier days was connected with the subject of the attacks which were made upon the noble Earl. The noble Earl is in the habit of seeing all the discontented gentlemen who come from India, who obtain a ready hearing from the noble Earl, and no doubt he connects their complaints against the Government of India with the gentleman who holds the office of President of the Board of Control in this country. From my position I am frequently under the necessity of refusing claims and petitions put forward by retired East Indian officials, and I have no doubt that these gentlemen in their disappointment often address themselves to the noble Earl in language not very complimentary to me. But I am in the habit on the other hand of communicating with persons high in authority on Indian affairs, who invariably shake their heads and shrug their shoulders at the mere mention of the noble Earl's name. I, however, for my own part, can only say that so far from wishing to enter into any controversy with the noble Earl upon the subject, as long as he gives the advice which he does give, and as long as he supplies those suggestions which he does supply for the benefit of our Indian empire, I shall listen to them with great respect, and I shall bear the compliments with which he couples them to myself personally with the utmost good humour. To revert, however, to the question as to whether it would be expedient to send a Commission to India, I can only repeat that at present I think that it would be inexpedient. I do not think that such a Commission would be available for the purpose which the right hon. Gentleman proposes, and I most certainly think that it would be ill-advised in any way to supersede any act of the Governor General. I think that it might, perhaps, be advisable that a Commission should issue at the instigation and by the authority of the Governor General, but I cannot recognize the expediency of such a Commission as has been suggested by the right hon. Gentleman.

I come now to the important question, are we to abandon our Native regiments? and to that question I give a decided negative. I think that it will be impossible to govern India without Native troops. Why, Sir, there is in India an army of nearly 300,000 men, and can any man imagine that the people of England can ever consent to bear the expense of maintaining one half that force of European troops? We must therefore look to the re-organization of the Native troops. That brings me to the consideration of how these troops are composed. At present the Bengal army is composed of high-caste natives, and more especially of Brahmins. Now it seems to me that such an arrangement is extremely objectionable. There has been a limit of late to the employment of Brahmins; but there ought, I think, to be a further limit in that direction—that is one of the questions which would hereafter acquire the deepest consideration. I believe it was the late Sir Charles Napier who proposed that members of various creeds should be enlisted in the same regiments; and it is manifest that men of different castes may be engaged to serve together. Men of high caste, and of low caste, and of no caste at all, are employed in the Bombay regiments; and the Bombay and Madras armies form the best models, as far as we are yet aware, on which our Indian military force should be organized, because they still remained faithful to the British standard. What the intelligence brought by the next mail may be I cannot say, but at present we know that the Bombay and Madras army have shown the greatest fidelity and attachment. They take their families with them in line; but the high caste man will not allow his wife and children to accompany him. Therefore you might, by enlisting the low caste men, have an improved Hindoo system, because no doubt the presence of their families would be a strong preventive against the men mutinying. You may also diminish the regular and add to the irregular cavalry. That is a proposition which has frequently been made. Lord Dalhousie went so far as to recommend the withdrawal of two regiments of the Queen's cavalry and the substitution for them of irregular horse. The regular cavalry has been very much condemned; but it must be remembered that the Bombay horse has lately at Kooshab done good work, and we must not decide against them until we see what they are when tried. Another very grave question is, whether we shall continue the Native artillery. My own opinion. founded not upon my own knowledge of military matters, but upon the information which I derive from others, is that a Native artillery is a very dangerous force, and that it might be much better to maintain only European artillery—I do not mean only Queen's troops, because the Bengal horse artillery are, according to Lord Ellenborough, the finest arm of the service, and, in the opinion of all men, very excellent troops—but I think it would be better to confine it altogether to European soldiers. These opinions I offer with great diffidence, as not being a military man; but these are questions which may properly be inquired into in the reorganization of the native army. They are questions which do not seem to me to require any immense stretch of military genius, and I cannot but hope that when this mutiny, so unfortunate and miserable in its effects, is over, they will be decided greatly to the advantage both of the Home Government and of the people of India. There are at present in India men perfectly capable of deciding these questions. There is Sir Patrick Grant, one of the best men in the Company's service, who is now called upon to preside over the Bengal army. I am proud to say that Sir Patrick Grant is the first Company's officer who was ever placed in command in a Presidency; and that I was the first person who suggested the practice of giving such commands to Company's officers, and enforced it upon the perhaps rather unwilling decision of the then Commander in Chief. He is a man perfectly competent to advise in these matters—a man of large experience and great knowledge of India. The person whom we have appointed provisional member of Council, in case of General Lowe's retirement, is General Outram, who is not only a good administrator but an excellent military authority, and whose advice I have no doubt that my noble Friend will follow in this emergency. Therefore the Governor General is not without persons to advise him. At the same time I have no doubt that if it should be more satisfactory to the public at home he would waive any consideration of his personal credit, and would be but too willing to accept assistance from any one who might be sent from this country.

Therefore it is that, although I see all the difficulties in our way, and feel all the gravity of the occasion, I am not without hope that we may arrive at a satisfactory solution of all these questions. Certain I am that there shall be wanting no assiduity on the part of Her Majesty's Government, nor any of the energy for which the right hon. Gentleman has called, in devoting themselves entirely to this task. This is one of the most awful events which have happened in our history. I feel that most deeply, for I remember nothing occurring at so great a distance which has so powerfully affected society. It is impossible to walk the streets of this metropolis without witnessing the anxiety with which the arrival of news from India is expected. I think that the right hon. Gentleman might well have abstained from entering upon the delicate topics upon which he has touched on the present occasion. The question, however, of the Government of India is of immense importance, and one to which the House would do well to address itself, even at this late period of the Session. If it thinks there is anything wrong, if it disapproves the mode in which India is governed, let it sit day by day and night by night to consider this subject of overwhelming interest. If it disapproves any one concerned in the Government, let it discard that person; but I do think surely, Sir, that it is unadvisable for it to waste its time in discussions which lead to nothing. It is the duty of the House of Commons and of the country to wait in stern and resolute silence the news which may be coming from India. At the same time, if they discover any evil, they are perfectly justified in immediately attacking it; if they find any deficiency in any one; if they entertain, as stated by my Lord Ellenborough, any distrust of myself or of any other person in power, in God's name let them state it and their reasons for it, and at once proceed to the remedy of his removal. They will have no more willing assistant than myself; my personal reputation shall never for a moment stand in the way of the prosperity of India. If they observe any weak head, or any faint heart, or any faltering hand, let them at once wrest the power from the innocent but ineffective grasp that holds it; but if they do not, if they think otherwise, then I ask them, in the name of our common country, not to disparage a Ministry which they decline to displace, not to enfeeble the arm which they still think fit to strike, not to embarrass the understandings of those whom they deem competent to judge and capable of conducting the affairs of our immense Indian empire in this its novel and extraordinary crisis.

SIR ERSKINE PERRY said, that he could not at all agree with the proposition of the President of the Board of Control, that the present was an inexpedient time for discussing the questions now before them. He could very well understand that if the country were in an agitated state merely, and there was reason to believe that inflammatory speeches might create disturbance, it might be the duty of a prudent Legislature to abstain from discussion on the topic; but when the whole country was in a flame, it was quite clear that no discussion in that House could increase the disorder, and it was requisite to inquire into the causes of so calamitous an occurrence. So far as he understood the right hon. Gentleman (Mr. Vernon Smith), he was not inclined to connect the military revolt with any general disaffection in the country —and upon that he would observe presently—but, whatever might be the opinion of the House as to the causes stated by the right hon. Gentleman the Member for Buckinghamshire, and the remedies he sought to apply, there could be but one opinion as to the tone and temper in which the right hon. Gentleman had discussed the question. The right hon. Gentleman had treated the subject as an Indian subject ought to be treated, without reference to party politics, and without attempting to gain a party triumph; and he trusted that the same spirit would pervade the speeches which were about to follow. There would doubtless be a unanimity of opinion in the House as to the mode in which this revolt in India must be put down. There must, of course, be the greatest possible exhibition of force on the part of this country. From his knowledge of the imaginative people of India, he should say that it was a great point to strike their minds by a display of force, and he should have desired the exhibition of force to be double of what it was proposed to be. He should have been glad to see the expeditious route of Egypt used for the passage of some 2,000 or 3,000 artillery, and war steamers with regiments sent out within ten days of the arrival of the news of the first occurrences in India. The exhibition of such a force would have impressed the Indian mind with an idea of power far exceeding the visible force displayed. The main question to be discussed that night was, whether the military revolt was confined solely to the army, or whether it was a reflex of the national feeling. It became every one to speak diffidently upon causes operating on the minds of those so far away; but his clear opinion was, that the military revolters were merely acting in accordance with the feeling of their brethren throughout India. The army of India had benefited the most of all the Indian subjects under the rule of the Company. The pay of soldiers in other countries was below the ordinary wages of labour, but in India it was 100 or 200 per cent higher, and when his service was expired he had a good pension. Added to that, the soldier was drawn from a higher class than most European soldiers belonged to; he was drawn from the yeomanry of India, and while one brother went into the army, the other brothers remained at home to cultivate the farm; and the soldier remitted most of his pay home, and ultimately retired on his pay to join the family circle. Another fact was, that by the system adopted the East India Company, on economical grounds, granted large furloughs every year, so that a third of the armies were relegated to their homes every year, and thus continued closely connected with his family. Such being the advantageous position of the Native army, he felt sure that no personal motives had been operating on the Native soldiers to make them discontented. The origin of the disaffection which had exhibited itself must, therefore, be sought in other causes, and he quite agreed with the right hon. Member for Buckinghamshire in his explanation of the causes, for he (Sir Erskine Perry) had himself, though in feebler language, brought the same arguments, illustrated by exactly the same quotations, before the House last year. He also then referred to Lord Dalhousie's policy, which he thought had been the main cause of all the evil. Lord Dalhousie, after he had been a few months in India, declared, on the occasion of the annexation of Sattara, that the Government ought to omit no rightful opportunity of annexing every Native territory that came within its grasp. This declaration was met by General Lowe, in his remarkable Minute, who showed how these annexations disaffected the Native population. But it was not only to that prescience of

General Lowe that he would refer, but he would also read to the House an extract of a letter, brought by the last mail, from one of the first administrators in India. The writer stated:—

> "I lay it down, not as a principle, but as a certain fact, that every step we take in the policy of annexation is a step towards the termination of our connection with this country. Upon the military class of our subjects the action is twofold—first, they argue (and so does every native, whether we know it or not, even the poor fishermen in my yacht) upon the justice of each annexation; secondly, they are more restricted in seeking a career by service where their ambition and energies might find a harmless vent. Thus, they either remain discontented and ready to enter into any plot, and are constant in abuse of us, or they become, what is worse, a rottenness at the core of our power—discontented Sepoys."

Let the House consider how this policy of annexation must operate on Native minds. Of course he had been compelled, in his judicial career in India, to search for motives for conduct, and he always found that the best mode of arriving at a conclusion was to look at the Hindoo as like ourselves, animated by the same motives which act upon human nature generally. Let them take a European nation exposed to the policy of annexation by a conquering power whenever occasion arose. What would be the effect of such circumstances on the Anglo-Saxon race, for instance? The right hon. Member for Buckinghamshire also put his finger on the right blot when he adverted to the extraordinary resumptions of land from private landholders which have been going on throughout India. It was no doubt true that a large portion of India had been appropriated by grantees, who held under manufactured titles purporting to have been granted by the Native princes of Delhi; but when the Deccan was annexed, Mr. Elphinstone, in a broad spirit of statesmanship, gave the fullest validity to those grants. At any rate, although there might have been frauds in some of the titles, after thirty or forty years' possession it was bad policy to put in motion a roving commission of inquiry, on which were placed young captains and lieutenants not sufficiently acquainted with the feelings and habits of the people. The President of the Board of Control had said there was no evidence that the Native princes had entered into any conspiracy. He (Sir E. Perry) had not heard the right hon. Member for Buckinghamshire make such a statement. He must say that the right hon. Gentleman had shown a remarkable acquaintance with Indian affairs, for he had never heard a speech in that House, from any Member who was unconnected with India, so entirely free from anything like error. What the right hon. Gentleman stated was, that the frequent annexations must tend to alienate the Native princes from British rule. Such proceedings could not fail to excite feelings of alarm and distrust, and they found, from General Lowe's statement, that throughout the Native principalities he heard nothing but complaints and murmurs of disaffection. There were two or three Native princes who were staunch supporters of the British under existing circumstances, and it might be said that we held our position in the North-West Provinces by the assistance of the Gwalior Rajah; but could it be supposed that that prince entertained any particular regard for the British Government, which, ten years ago, deprived him of half his kingdom? Why, then, was the Rajah assisting us? Because he believed we were strong, and feared that if he did not do so we should take the very first opportunity of annexing the other half of his kingdom. The Rajah of Putteealla was also one of our staunch supporters, but had he any cause to love British rule? A year or two ago he was anxious to visit England—a very natural desire in a Prince having £500,000 a year—but it was said that his request had been most peremptorily refused by the Company, and no doubt in affording us assistance he was actuated by motives similar to those which influenced the Gwalior Rajah. Among the landowners themselves—the zemindars and jaghiredars—disaffection was widely spread, and to show their feeling he would read to the House some questions which he had some months ago been requested to put to the President of the Board of Control on their behalf. The statement placed in his hands was in these terms:—

> "The recent annexation of Nagpore and Oude and the rumours of the approach of other annexations (particularly Hyderabad and Baroda) have caused a general panic among the remaining princes and chiefs of India, who wish to know —1. Whether any fixed rule or principle is to be observed in making annexations in future, and whether any kingdoms are likely to be permitted to remain in the hands of their rightful possessors? 2. Whether the custom of adoption and right of inheritance of the Hindoo native chiefs and landholders of India can be secured for the future or not? 3. Whether any tribunal, with an appeal to the Privy Council, can be established for the trial of claims to the titles, power, and property of native princes for the future?"

These questions evidenced the feeling which existed throughout the country. Unfortunately, the governing doctrine of the East India Company was that the possession of land in fee simple was a great evil in India, and that as land was the main source of taxation it would be injurious to the community to allow it to be parcelled out among independent owners. In support of this view the opinion of a servant of the Company, Mr. James Mill, had been quoted, and that gentleman contended that it was a great evil to allow land to get into private hands; but those who were acquainted with Mr. Mill's democratic opinions and his objections to a landed aristocracy, would not be surprised that he advocated such views. If he (Sir Erskine Perry) were correct in his belief that the disaffection of the Native army was merely a reflection of what was passing in the national mind of India, it was for the Legislature to consider what remedies should be adopted. There seemed to him to be only two modes of governing India. The first was by an exhibition of overpowering force; by repressing every intellectual movement, and by keeping the Natives of India in a state of utter subjection. To carry out this system it would be necessary to increase enormously the number of European troops in India, to exclude the Natives from all offices of trust, and to abandon all schemes for their education and improvement. The other course was to associate the Natives of India with ourselves in the government of their country; to identify the interests of the wealthy and influential classes with our own, and to pursue the system adopted by the Romans, who, under the Republic, admitted the natives of Asia Minor to all places of confidence and trust, and especially to civil offices. He was sorry to find that Lord Ellenborough—whose general views of Indian affairs were in his opinion extremely just—appeared to incline to the former of these courses. He (Sir Erskine Perry) believed, however, that such a mode of government would be utterly impossible in India under British rule. The men whom we sent out to occupy high positions in that country were embued with all the liberal opinions of the day, and they felt that they had a duty to perform to the Natives of India as well as to the mother country. The right hon. Gentleman (Mr. Disraeli) had made some observations with reference to female education in India, but he had misapprehended the course which the Government proposed to pursue on that subject. Their intention was merely to encourage female education, and the Natives themselves were desirous of promoting that object. The President of the Board of Control appeared to think that those hon. Gentlemen on that side of the House who were anxious to improve the government of India wished to introduce European notions and institutions into that country. No one acquainted with the condition of India could suppose, however, that it was fit for anything like constitutional government. India could only be ruled by despotic power, and English institutions founded upon self-government would be wholly unsuited to such a country. What he and those hon. Gentlemen who thought with him maintained was, that in order to govern India well regard must be had to Indian as well as to British interests. Their object must not merely be to obtain an increased revenue, but to promote the gradual improvement of the Hindoo population. He wished the right hon. Gentleman (Mr. Disraeli), with his weight in that House, his knowledge of the subject, and the power he had of expressing his opinions, had come forward at an earlier period and propounded his views on this question, for it was one which unfortunately had been too much neglected by statesmen in this country. Now, however, that the leading Members of the House had taken it up, he was satisfied that nothing but good could result to India from its discussion, and that a generous and wise policy, if that should ever prevail in India, would do more to retain the affections of its people than any course that had ever been adopted.

MR. CAMPBELL said, he thought the majority of the House would agree with him that the Government ought not at that moment to be embarrassed by Motions like that under consideration, but, on the contrary, were entitled to the thanks of the House for the vigour and determination which they were manifesting in meeting this emergency. He had heard with deep regret the speech of the right. hon. Gentleman opposite (Mr. Disraeli). Inexperienced as he was in Parliamentary debate, he must say that a more unpatriotic or injudicious speech he never heard delivered. The right hon. Gentleman had objected to the annexation of Oude; but had the right hon. Gentleman been in danger of losing his head as he (Mr. Campbell) was some years ago in

Oude, he would not perhaps have said so much against annexation. If the right hon. Gentleman should ever think of travelling in India in order to acquire information, or if he should have designs on the Governor Generalship of India, he would recommend him to destroy every copy of his speech of that night that he could lay hold of before setting foot in the country.

Mr. WHITESIDE said, the hon. Gentleman had assigned a reason for the annexation of Oude which, at least, had the merit of originality. The hon. Gentleman said he was on one occasion nearly losing his head when travelling in that country. If he had lost his head altogether, he (Mr. Whiteside) questioned if that circumstance would have convinced Parliament that Oude ought to have been annexed. What did the hon. Gentleman mean by saying that the House of Commons ought not to discuss this question at this particular time? What did the President of the Board of Control mean when he said, in the early part of his speech, that this was not a subject that ought to be discussed at this time? When would be the proper time, if not now? It would seem from the right hon. Gentleman (Mr. Vernon Smith) that they were not to discuss this question now because it was a time of war, and that, after the war was ended, they were not to discuss it, because it would then be a time of peace. That was not the view which Mr. Fox took of his duties as a Member of that House. With his matchless eloquence and daring spirit he hesitated not to express himself on subjects connected with India, whenever he thought it his duty so to do; and on similar occasions the greater genius of Burke was employed in the vindication of truth and justice. The right hon. Gentleman the President of the Board of Control, in the first instance characterized this as a miserable and trifling revolt, but yielding to his better judgment, towards the close of his speech, he said with truer feeling, that it was an event which affected the sensibilities of the nation, and disturbed the thoughts of every man in this city. He (Mr. Whiteside) had the good fortune to know the late Sir Charles Napier; he had heard him converse on subjects connected with India, and the distinguished soldier certainly did express himself in a very decided manner in reference to certain persons and things; but was he wrong in that? In these days it was a great objection to a man in a position like that of the late Sir Charles Napier to speak frankly what he felt and thought; but if such a man shuffled he might get on, and might perhaps hope eventually to obtain the praise of the Government of the day. When Sir Charles Napier went to India to command the Bengal army a revolt took place of which the gallant soldier had written a minute and careful history. He found the men composing the Sepoy regiments were receiving letters in numbers such as they had never before received, and he was asked to open those letters, but with the spirit of a gentleman he recoiled from such an act. He received a communication from Sir Colin Campbell, who now possessed the confidence of the Government and of the country, and who at that time was the officer in command at Rawul Pindee, stating that he was apprehensive of a revolt there; and the correspondence which took place on that occasion between Sir Colin Campbell and Sir Charles Napier is printed. The result was that a gentleman now a member of the other House of Parliament—he meant Lord Melville—was ordered by Sir Charles Napier to march with a strong force to put down the revolt or mutiny in question. Sir Charles Napier gave such express and clear instructions in reference to that incipient movement of several regiments under Sir Colin Campbell that resistance became impossible. Sir Charles Napier found that at a distance of 500 or 1,000 miles the same facts and circumstances took place, at the same time as at the place to which his particular attention was directed, and he argued, therefore, a common design or conspiracy. When a regiment refused to receive its pay he marched the troops to Umballah, stripped them of their accoutrements, and substituted a Goorka regiment in its place. After Sir Charles Napier arrived at Kohat he was informed by the European officers, that a new regulation had been sent with regard to rations which would not be just to the Sepoys. He ordered the putting of the regulation in force to be suspended for a month while he communicated with the Governor General, and he had set down with sarcastic accuracy the amount which he proposed to expend, without authority, for the benefit of the country. It was £40. He received upon that the reprimand of the Governor General of India, and, like a man of spirit, he resigned. But Sir Charles Napier, a brave, experienced, and skilful commander, did not resign until he had expressed decided opinions upon the Bengal army. A record of those opinions was left, and the right hon. Gentleman the President of the Board of Control said they were entitled to respect. How had he respected them? In what way had the Government acted upon them? Sir Charles Napier said of Delhi that to guard against surprise, considering its position, its treasures, and its magazines, it should always be defended by 12,000 picked men. Was Delhi defended by 12,000 picked men? It would be said that it was very easy to be wise after the event. Some people were wise before and some after, and there were some who were wise neither before nor after the event. It was true there was a very great distinction between Bengal and Bombay. Sir Charles Napier never said that the Bombay army was in a state of disorganization. He said that it was composed of the finest troops in the world; that they were officered by younger, more ambitious, and more competent men than the Bengal army; and that they could not enforce the same system of promotion in the Bengal as in the Bombay army, because in the Bengal army the Sepoy was promised promotion after a certain period of service, and they must keep faith with him in that respect. The right hon. Gentleman the President of the Board of Control seemed to think that no opinions had been expressed by military men confirmatory of the strong, decided, and unanswerable opinion of Sir Charles Napier. But, supposing that one or two of the gallant officers whom he saw before him had stated to the Government that it was their opinion that a particular branch of the service, the regiments they commanded, the division of the army whose conduct they had discovered was disorganized, demoralized, and disaffected, what would be thought of the Government who first employed those gallant officers, and then refused to act upon their evidence or their advice? It was not the fact that the condition of the Bengal army was not pointed out by military men besides Sir Charles Napier. He held in his hand the pamphlet of Brigadier General Jacob, who was now in Persia. Brigadier General Jacob was in Bengal, and he gave eight reasons why the Bengal army was not to be depended upon. If it would not disturb the gravity of the House too much he should like to show from the pamphlet the mode of relieving guard:—

> "The eighth evil, the want of discipline, is the necessary consequence of much that has already been described. In speaking of want of discipline I do not only mean that which is shown by serious mutinies and misconduct on extraordinary occasions, but also as evinced in the ordinary everyday routine of duty in the Bengal army. This is such as to be almost incredible by an officer of the Royal army, or of the other armies of India. The first thing done by a Bengal Sepoy when he mounts guard is to strip himself of arms, accoutrements, and clothing; the muskets are piled, and a sentry is posted, who remains generally (not always) properly accoutred, &c.; all the others, including non-commissioned officers, disarm and strip. If there be any water near, they go and dabble in it, after the fashion of all Hindustanees, otherwise they cover themselves with sheets and go to sleep; quite naked, mind you, with the exception of a langootee. When the sentry thinks he has been on duty long enough, he bawls out for some one to relieve him. After a while up gets a Sepoy from beneath his sheet, and after a few yawns and stretches puts on his clothes and accoutrements, but does not take his musket (that would be too much trouble, and endanger upsetting the whole pile); he then goes to the sentry, takes his musket from him, and occupies his place; away goes the relieved man and strips like the others."

It was stated further that when Sir Henry Dundas insisted at Peshawur upon the guards being relieved daily there was considerable grumbling and complaining in consequence. Though differing from Sir Charles Napier upon many points, and speaking of Sir Charles Napier's farewell address as his farewell curse to the Bengal army, yet Brigadier General Jacob, who was a man of skill and enterprise in his profession, confirmed Sir Charles Napier in the most remarkable manner. Was that the only evidence which the Government had before them as to the state of the Bengal army? Lord Melville had an opportunity of ascertaining what the moral organization of that army was, and he trusted the House would never forget what Lord Melville had stated in his place in Parliament. Lord Melville was reported to have said, on the 13th of July,—

> "Nobody could deny that the discipline of the Bengal army was of the worst possible description, and in that light it had been looked on by the late General Anson, who had in consequence, ever since he assumed the command of the army in India, deemed it his duty to represent to the Court of Directors the absolute necessity of increasing the European force in India—a recommendation to which, however, so far as the Government was concerned, no sort of attention had been paid. In proof of the statement that the discipline of the Bengal army was of the worst description he might inform the House that in the year 1849, shortly after the first occupation of the Punjab, when he had commanded on the frontier, two Bengal regiments had mutinied, and when he had returned home in 1850 he had expressed the greatest disapprobation of the con-

dition of the troops of which that army was composed. He had, however, been told that, no matter how just his opinions on the subject might be, he must not give utterance to them in public, inasmuch as it was extremely undesirable that foreign nations should be acquainted with the real state of affairs. The result, at all events, had been that no steps had been taken in the matter by the Board of Directors, and that the discipline of the Bengal army continued to be of that character to which he had drawn attention."

He never knew before that it was the policy of England to suppress the truth. The Government had the opportunity of ascertaining the truth, and did not do so, or having ascertained the truth they did not act upon it, but left the fate of India to the chapter of accidents, He thought the papers laid before the House, barren as they were, contained the condemnation of the Government. His argument was equally supported if he could show that the ruling powers in India were in possession of the information upon which it was their duty to act. In a paper dated the 19th of May, upon the subject of mutinies in the East Indies, he found the following passage, which emanated from the Government and Council :—

> "The necessity for an increase of the substantial strength of the army on the Bengal establishment—that is to say, of the European troops upon this establishment—has been long apparent to us; but the necessity of refraining from any material increase to the charges of the military department, in the present state of our finances, has prevented us hitherto from moving your honourable Court in this matter."

The ruling powers in India were long aware of the necessity of increasing the European force in the Bengal army, and being aware of it they suppressed their convictions. Ought they to be trusted with the government of an empire which, upon a miserable plea of economy, might be sacrificed? The India Directors had concluded the question, because they had acknowledged they were apprised of the dangerous state of the Bengal army long ago; and the following sentence in their despatch to the Governor General, dated the 10th of September, 1856, stated the reason why they did not do their best to prevent evil consequences resulting from it :—

> "These considerations would have induced us to determine to allow two additional captains to every regular native regiment in our service, but in the actual condition of the finances we must confine ourselves to sanctioning your appointment of one additional captain and one additional lieutenant to every regiment of native infantry and cavalry of the regular formation in the three Presidencies, and of two additional captains and two additional lieutenants to each European regiment."

Mr. Whiteside

The truth was apparent that the Indian Government did not augment the army, on the ground that they could not afford to do so; and now, in accordance with the principles of modern economy, they spent millions where thousands or hundreds would have sufficed before. At the same time, they had propounded a problem which he (Mr. Whiteside) ventured to say never would be solved either until the Indian empire was lost or its government was changed. They said that the great problem which they had to decide was how they could maintain the discipline of the army while its officers were removed to civil appointments. That was a problem which he believed they never would solve. Sir Charles Napier stated that 658 officers in the army, which he had commanded, held civil appointments. Could any man say that an army could be properly commanded, or that it could discharge its duty efficiently if the most competent officers were withdrawn for the purpose of civil appointments? Sir Charles Napier had recorded his opinion that the thing was impossible, and every impartial man must agree with him that it was so. Financial reasons he had no doubt were at the bottom of this practice. If an officer received £600 a year in his regiment, and it was desired to fill up an appointment at £900 a year, the officer received an additional £300, and was called upon to do the duties of a civilian. £600 a year were thus saved, to be distributed among the favoured friends of that enlightened body —the Court of Directors. The Company dwelt upon the number of absentees from the regiments, and, having stated the difficulty of maintaining regimental efficiency when officers were withdrawn on detached employment, they said,—

> "We have attentively considered the Minute recorded by the Marquess of Dalhousie, just before his Lordship's departure for Europe, on the augmentation of European officers required for the Indian army, in connection with several other Minutes on the organization of that army."

He inferred from that passage that Lord Dalhousie, before he quitted India, had left upon record a paper in which he had recommended an augmentation of the European forces, which he (Mr. Whiteside) supposed had never been complied with, for a more extraordinary correspondence he had never seen than that which subsequently took place between the Horse Guards, the Secretary at War, the India

Board, and the Board of Control upon the question of whether four regiments or two should be sent out to India. Proceeding, however, in the regular order of events, he found that on the 2nd of April the Indian news published in London announced a partial revolt in India; and afterwards in the leading journal of this country there were many statements made of the condition of India. Then, on the 6th of May, there was a letter from the East India Directors, in answer to a communication offering them four regiments, in which they stated:—

> "We have had the honour to receive your letter of yesterday's date, announcing, with reference to our letter of the 29th ult., that in consideration of the present uncertainty as to the duration of the hostilities in China, Her Majesty's Government have deemed it expedient to recommend the despatch of four regiments of infantry to India without delay. In reply we are requested by the Court of Directors to state that upon the understanding that two of these regiments are to be in substitution for two other regiments which had been intended as a relief to Her Majesty's 10th and 29th Regiments, but are required for service in China, and that Her Majesty's 10th and 29th Regiments will in consequence return to this country in the next ensuing winter, the Court will take immediate measures for obtaining tonnage for the conveyance of three regiments to Bengal—viz., one to supply the place of a regiment withdrawn without relief during the war with Russia, and two to replace the regiments above specified, which are on the Bengal establishment."

Was that rational conduct, when they must have been aware that a mutiny had broken out in the Bengal army, and when they knew the opinion of military men with respect to the disorganization of that army? This was succeeded by a long letter from Lord Canning, which was highly creditable to the noble Lord, in which he stated that he had gone to the last limit that prudence and a sense of duty permitted him to go in sanctioning the withdrawal of three regiments for the Persian expedition, adding that it was natural that the withdrawal of those troops should make an impression on the Bengal army. If the Government did not judge as ordinary men would judge, from the facts presented to their mind, they were not fit to conduct the government of a great country. The right hon. Gentleman the President of the Board of Control seemed to think that this was a mere military mutiny, but he did not deny the fact that a great many of these Sepoys were in the district of Oude, and he (Mr. Whiteside) had been informed by a gentleman nearly related to an officer who had commanded a regiment in that district that the Sepoys had complained of the number of petitions about the land which they had sent in to the Government and which had been unanswered. It appeared that about 40,000 petitions had been sent in by the Sepoys respecting the proceedings as to the settlement of the land tenure in Oude. "They never will be answered," said the gallant gentleman to whom he (Mr. Whiteside) referred, "because they were not upon stamped paper," and he added, to the Sepoys, "You are aware that they are very slow at head-quarters; you'll get your answer in three or four years." These men were friends and connections of those who tilled the soil, and he feared if they had sent in thousands of petitions which had received no answer that that had made some impression upon them, and bore some relation to the awful transactions which had taken place in India. He (Mr. Whiteside) could not understand the argument of those who said that we must have a different mode of government in India from that which we had in this country. The principles of justice were of universal application; they were immutable; they were eternal; and they were as applicable to the people of India as to the people of England. Was it true that Hindoos of rank and character had been deeply hurt in their opinions in consequence of the change in the law of inheritance? He had been informed by the gentleman who had drawn up their petition against that change of the law—a petition which he should ask the Government to produce—that Hindoos of rank objected to it, not on religious grounds only, but because, by the domestic institutions of their country, a loss of caste deprived them of the inheritance of property, while the law in question annihilated caste, and thus gave the deepest dissatisfaction to the best Hindoo families in the country. With reference to the religious question, he did not understand complaints to have been made of the existence of missionaries in India. Far from it, for he believed that the Hindoos took pleasure in discussing questions of theology with individual missionaries, and he knew that the Americans, who had no territory in India, had missionaries there who had been very successful. The complaint, as he understood it, was in reference to a passage in the answer of Lord Canning to the memorial of the missionaries, in which he unfortunately said that they were quite right. Lord Canning's precise words were:—

> "The progress made in the two years that have since elapsed may not be such as to satisfy the aspirations of zealous men, eager for the advancement of true knowledge, among the benighted people whose spiritual and intellectual enlightenment is the object of their daily care and labours. I do not blame their impatience; that they should watch and urge the Government of India in the carrying out of the great work of Indian education is not only natural, but commendable."

That passage had been given to him (Mr. Whiteside) by a person who had resided all his life in Calcutta, and who said,—

> "That is the passage which has alarmed the Hindoos, because they think that the Governor General is not leaving the missionary free to exercise his talents as best he may in promoting their conversion, but that he has announced to the community that he intends to exercise the authority of the Government in order to carry out the object which they have in view."

There was no class in India contented with the existing laws or their administration, and after reading the speeches not only of the Earl of Ellenborough, but of the Earl of Albemarle and the Earl of Harrowby, he found it difficult to say that there was no ground for the complaints made upon that subject. He understood that the most eminent merchants in Calcutta were dissatisfied with the conduct pursued toward them in reference to the laws and tribunals to which it was proposed to subject them. The President of the Board of Control had received many deputations upon that subject; but, though very courteous in his demeanour, had never committed himself by promising them anything. Such being the state of things in India, he wanted to know how the Government would be able to satisfy the independent and reflecting Members of that House and the English community generally, that by sending out 20,000 men, taking Delhi, and destroying the rebellious Sepoys, they would be able to govern the country wisely and well. The President of the Board of Control had admitted that something should be done, and at the close of his speech he seemed to think that the issuing of a Commission, as suggested by the right hon. Member for Buckinghamshire, would not be an undesirable course to pursue, provided it was recommended by the Governor General. So that the truth was ascertained and the grievances were redressed it was immaterial in what way the object was effected; but he submitted that when an awful calamity had occurred it became the duty of Parliament to probe the evil to the bottom, to discover what might have been

its cause, and by wise and prompt action to remedy abuses the existence of which no prudent or humane man could for a moment doubt.

Mr. VERNON SMITH rose to correct two mistakes which the hon. and learned Gentleman had made in his very fair and able speech. He had not called the mutiny in India a "miserable" mutiny, while he had carefully guarded himself against stating that it was purely military. What he had said was, that it was impossible at the present moment to know all the causes which had contributed to the revolt; but he had added, at the same time, that the crisis was one of national importance.

Lord JOHN RUSSELL: Sir, I am one of those who had no wish that the House should enter into a discussion upon the present occasion; and I must say that in the presence of that which the hon. and learned Gentleman who has just sat down has called—I believe most truly—an awful calamity, I cannot conceive anything less tending to the advantage either of England or of India than such a discussion as the one in which we were now engaged, if it were to end as the right hon. Gentleman the Member for Buckinghamshire and the hon. and learned Member for Enniskillen would seem to desire. Let us follow the hon. and learned Gentleman in what he has said. The hon. and learned Gentleman has found great fault with the Government for several things they have omitted to do; he has pointed to the President of the Board of Control as incompetent to discharge the duties of his office; he has stated that the condition of India requires immediate inquiry, and that, to use his own words, we must probe the evil to the bottom. But let us see what the right hon. Gentleman the Member for Buckinghamshire said in the latter part of his speech. He told us that for the present he would content himself with moving for papers, but that he had pointed out the grievances of India, that he thought the Crown should be brought into closer connection with that country than it has hitherto been, and that it should be declared that Her Majesty had no interest in the oppression of the Natives, the violation of the law of adoption, in the disturbance of titles, or in the violation of the religious feelings of the people. What is to be the result of all this? Is it to be, as the right hon. and learned Member for Enniskillen seemed to indicate, a vote of censure upon the Government for the course they have pursued? or, as the right hon. Gentleman suggested, some strong measure declaring that the Government of India has hitherto been a tyranny and an oppression, that Her Majesty is about to put everything to rights, and that henceforth India shall be immediately connected with the Crown? Neither of these things is proposed—nothing, indeed, but that we shall require the production of two papers, one of which does not exist, and the other of which is immaterial for the purpose for which it is asked. If this be, in truth, an awful calamity,—if the state of India is enough to affect the heart of every man in England with anxiety and apprehension—it is sufficient that the House of Commons should have a debate leading to no result? Are we to be satisfied with now blaming the East India Company, now blaming the Government, now blaming Lord Dalhousie for a policy which has been pursued during the last ten years, and that we should separate without any declaration as to what is to be done at the present time? Such, as it appears to me, is not the course which the House of Commons ought to adopt. I should be sorry, as this debate has been brought on, if we were to separate without some declaration upon the very important subject before us. Now, Sir, the right hon. Gentleman the Member for Buckinghamshire, in his very able and eloquent speech, went over many of the incidents which, he thought, showed the misgovernment of India. He pointed out the injustice done to the Native princes by setting aside the law of adoption, the disturbance of the landowners in their titles, the disquietude of the soldiers with respect to their privileges and territorial possessions; but, in dealing with these topics, upon which he dwelt with great knowledge and felicity, the right hon. Gentleman never ventured to say that the great mass of the people of India are suffering under oppression. Princes are discontented, many of the landowners are so also, the soldiers are discontented—but of the great body of the people we do not hear that they are oppressed. Let us see what are the general merits of the case which the right hon. Gentleman has put before us. In speaking of its general merits I do not mean to say that in several of the instances quoted by the right hon. Gentleman, as well as in some of those cited by the hon. and learned Member for Enniskillen, the Governor General or the Government of India may not have been in the wrong. I am not prepared at the present moment—I do not think the House is prepared to come to a definite judgment upon many of these points. With regard to the Native princes, one thing has often struck me in considering the proceedings of Lord Wellesley in India, and his dealings with Native princes, and that is, that some of those whom he left carried, as eastern potentates are apt to do, their tyranny to an extreme, and would long ago, by a series of violent revolutions, have been hurled from their thrones if they had not been living under the protection of the British Government, whose power would be used to support them against any popular outbreak. This is a subject to which I think the Governor General of India was bound to turn his attention. I do not say that in every instance we have done right in taking away power from those princes; but I am convinced that if we had allowed them to continue to oppress their subjects under the protection of British troops, and so have compelled the people to resist their authority by force, we should have brought great evils upon India. Again, with respect to the ownership of land, no doubt we should think an inquiry into titles in this country very oppressive; but, as the hon. and learned Member for Enniskillen says, the rules of justice are universal, and if it should appear that in England there were a number of pretended landowners who had forged titles, and who were oppressing their miserable tenants under fraudulent representations of titles which were not valid, I should not, in that case, feel surprised at the institution of an investigation. The observations which I have already made are equally applicable to the annexation of Oude. It is impossible for us to say in this debate and at the present moment that any wrong has been done to the people of that territory by the act of Lord Dalhousie; on the contrary, I am not sure that they have not greatly benefited by the change which has taken place. With regard to the treatment of the soldiers, I own that that subject requires considerable investigation. There are, no doubt, great difficulties attending it, but I do not think that either past Governments or the present Government can be said to have adopted every means in their power to preserve discipline. I believe it is true that not only Sir Charles Napier, but the Duke of Wellington and

Lord Willliam Bentinck have given opinions unfavourable to the discipline of that part of the Indian Army which has just mutinied; but my right hon. Friend the President of the Board of Control says very justly that it would be impossible to hold India and our conquests there, with respect to the propriety and justice of which there has been no question to-night, by European troops alone. The Bengal army was therefore created. That army is found much less efficient and much more costly than it ought to be. Attempts were, from time to time, made to place more European officers in the regiments. Two things have counteracted these attempts. In one, I think, Lord Ellenborough and, I rather believe, Sir Charles Napier were as much in fault (if fault there were) as any person—namely, in taking away the best, the most competent, the most judicious of these officers, the men best acquainted with the Natives, from their regiments and putting them in civil and political situations. There were persons (and Lord Ellenborough was one) who, I think most unjustly, decried the civil servants of India, than whom I believe there are no men more eminent in political and civil stations. A certain set of persons were always crying out, "Why don't you employ the military?" Well, if that course is adopted, the natural consequence must be that you weaken the discipline of the army—you weaken the moral force of the European part of the Indian regiments. There is another thing to which my right hon. Friend has alluded—namely, a change in the customs and manners, and a change also partly owing to the rapidity of communication, to which no Government can apply an adequate remedy. When men went out in the days of Warren Hastings, or even in the time of Lord Wellesley, and adopted the Indian Service as their profession, they became completely Indian in their feelings and habits; they past the best part of their lives in India; they cared nothing about the politics and little for the events which were taking place in England; they were entirely absorbed in Indian affairs; in the revolutions and the wars of that empire, and their habits were those of the country. Well, these were men likely, at all events, to know the character of the Indian soldiers. They were likely to enter into their feelings, and from the superiority of European civilization to have a considerable influence over their minds. Now, however, things are changed. Young men go to India; they hope before long that they shall get back to their native country; they receive the English newspapers constantly; they get letters from home twice a month; their feelings and habits remain English; and that being the case, they cannot condescend to enter into the feelings of the Natives, and to show that sympathy which existed between the two races in former times. This, of course, is not the fault either of the East India Company or of Her Majesty's Government; it is one of the changes which have taken place in the natural and uncontrolable course of events. But I own it appears to me that we have trusted rather too much to Indian troops — and to Indian troops of one particular kind—and have had too large an army altogether. My right hon. Friend, I think, spoke of 300,000 men. We have often had 250,000, and the number may now be greater. But I should think an army of 50,000 Europeans, with 100,000 Natives, would be a far better security, so far as force is concerned, for our Indian empire than an army of 300,000 men, of whom 30,000 are Europeans and 270,000 Natives. In that respect I think some change is desirable. But there are other changes, some of which have been suggested in former debates and hinted at again this evening—changes in the way of reform, in the better administration of justice in India, in the establishment of a better police, and I must add (in spite of what has been said by the hon. and learned Gentleman) in the more general diffusion of education. Changes of this kind ought to be prominent in every future government of India. I do not say it is a matter of blame that the East India Company have not done more—they have been gradually introducing improvements and removing causes of complaint. But the hon. and learned Gentleman said at one moment that justice was of no country, that it was of all countries, and then he went on in the next breath to blame the Government—for what? For saying that a man who changed his religion should not forfeit his property in consequence of that change. Why, I have always heard it reckoned as the most barbarous and cruel part of the penal law in Ireland that a Roman Catholic was subjected to the loss of his property if a person came in and said he was a Protestant and on that account claimed the property of the other. It would appear, then, that although, as the hon. and learned Gentleman says, justice is of all countries, yet what we should think wholly barbarous here is a law which ought to exist in India, and it is his opinion that we must modify our sentiments and take care not to go on too rapidly, lest we affront the prejudices of the Natives of India. Now, all this is really a matter of very great difficulty, because these prejudices meet you at every step, and therefore her Majesty's Government and the East India Company must at every step carefully consider how far they can with safety go. Whatever we may do in the future, however, I own it strikes me that the first matter upon which the House of Commons ought to pronounce any opinion is that the Queen's Government ought to be supported. I have differed from them with respect to several matters not immediately Indian, but connected with the East—their Chinese and Persian wars—but there is no question of these wars at the present time. The question of this evening is the government of India, and I do submit to this House that we ought not to be satisfied with the grant or refusal of an insignificant paper or despatch, but that, the question having been raised and placed before us, we ought to come to some decision which may give strength to the Government in the efforts they are making, while at the same time we ought likewise to express our desire to support any measures which will tend to ameliorate the state of India and conduce to its permanent tranquillity. I shall therefore move—

> "That an humble Address be presented to her Majesty, to assure her Majesty that this House will cordially support her Hajesty in any efforts that may be necessary for the suppression of disturbances in India, and in any measures that may be required for the permanent establishment of tranquillity and contentment in that important portion of her Majesty's Dominions."

Some expression of sentiment of that kind appears to me to be necessary. It is a moment of great anxiety, and the House of Commons, if it interferes at all, should, I think, interfere in a manner worthy of itself, and should show that, while we are not appalled by the peril, it is our earnest desire that her Majesty's subjects in all parts of her empire should live under a just and enlightened Government.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "An humble address be presented to Her Majesty, to assure Her Majesty that this House will cordially support Her Majesty in any efforts that may be necessary for the suppression of disturbances in India, and in any measures that may be required for the permanent establishment of tranquillity and contentment in that important portion of Her Majesty's Dominions," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MANGLES said, he had been at some trouble to prepare himself upon this Motion, but he assured the House that his labour had been entirely thrown away, for so little indication had its terms afforded him of the line which would be taken, that in no single instance had he referred to the authorities proper to enable him to follow the right hon. Gentleman. All his poor resources, therefore, were unavailable, and he had now to apply himself anew to what had occurred during the debate. He had not been prepared to find the right hon. Gentleman so ready to point out the causes of the unhappy state of affairs in India. There had been nothing from the Government of India to show the causes of the outbreak, and even the best-informed authorities in this country professed themselves at a loss to account for it. The right hon. Gentleman, however, had perspicuity enough to ascertain those causes, but not altogether correctly, as he (Mr. Mangles) believed; for it happened that every one of the reasons assigned by the right hon. Gentleman broke down upon examination. The facts of the case, indeed, were quite opposed to the theory which he had set up. The right hon. Gentleman said this was not a mere military mutiny, but that it was the reflection upon the Sepoys of the discontent felt by the Native princes at the treatment which other Native princes had met with. Unfortunately, however, for his argument, all the facts led to an opposite conclusion, for it happened that none of the Native princes had taken part in this outbreak, but all of them had sided with the Government, and some of them—as the Rajah of Gwalior—had rendered the most valuable assistance. Then, again, the right hon. Gentleman said the landowners were dissatisfied; but the fact was, that with one or two exceptions, the landowners and zemindars had freely offered their aid to the Government. The same was to be said of the native inhabitants of Calcutta. In truth, so far from this being a national revolt, the simple truth was that where there were no Sepoys there had been no revolt.

There were many Stations in Bengal and the central Provinces where there were no Sepoys, and in all those places the authority of the Government, up to the date of the latest advices, had been completely maintained. Even in Oude, which had been referred to as the focus of disorder, that gallant soldier and valuable public servant, Sir Henry Lawrence, had driven off, with a small body of Europeans and artillery, a mutinous Sepoy regiment; and not one of the Irregular Regiments, with the exception of the wing of one, had joined the mutineers. He had seen in the newspapers a letter from Colonel Baird Smith, dated from the upper part of the Doâb, describing how, when deserted by his Sepoys, he patrolled the country with a few European officers, and was received by the Natives with the utmost enthusiasm. All the accounts that had been received from the disturbed districts showed that those who had fled naked and wounded from Delhi and other Stations had been received by the Natives and zemindars with the greatest kindness, and conveyed to Agra and other places of safety. In the Punjab, one of our latest acquisitions, where, if anywhere, a spirit of dissatisfaction might be expected to prevail, not a finger had been raised against us; and he had seen letters from Sir John Lawrence, Mr. Montgomery, Colonel Abbot, and others, in which they stated that the population was with us to a man, and were daily bringing in mutinous Sepoys who had deserted their colours. At the present time a large additional force was being raised in the Punjab, and the whole of the regiments raised in that Province had remained faithful. Surely those facts were at variance with the theories of the right hon. Gentleman. But, supposing there was any truth in the causes assigned by the right hon. Gentleman for the outbreak, every one of those causes existed in 1853, when the Committe upon Indian affairs was sitting. The right hon. Gentleman was a member of that Committee, and if he believed that the East India Company and the then Governor General (Lord Dalhousie) between them were ruining India, he ought then to have brought those causes under the notice of Parliament, when they could have received that full investigation which it was impossible could be given them now. The right hon. Gentleman appeared to be in regard to Indian affairs something like a stormy petrel—he never appeared save in times of difficulty and danger. He (Mr. Mangles) had never heard the right hon. Gentleman open his lips about India since the Cabul occurrences, at which time he carried a free lance on the outskirts of Sir Robert Peel's government, and spoke in most indignant terms of the disasters at Cabul. Now, he had made his appearance again upon the unhappy mutiny of the Sepoys. But why, if he took so warm an interest in the good government of India, did he not give better attendance to the Committee of 1853? He (Mr. Mangles) very seldom had the pleasure of meeting the right hon. Gentleman in that room. But that was the time to have investigated and amended all the grievous errors of administration which the right hon. Gentleman saw so clearly and deplored so strangely. But—to return—another reason which had been assigned by the right hon. Gentleman for the present disturbances was the dissatisfaction of the Native princes with the suppression of the system of adoption; but the fact was there had really been no such suppression. Adoption was necessary in cases where there was no heir in existence for the due performance of certain religious rites, and with that arrangement the Indian Government had not interfered. What had been done was that, in certain cases and under certain circumstances, the Indian Government would not permit kingdoms or principalities to pass by adoption. In the case of the Rajah of Sattara, upon which so much stress had been laid, what were the facts? The Rajahs of Sattara were descendants of Sivajee, the founder of the Mahratta empire; but the descendants of Sivajee had long been put aside by the Peishwas, who ruled the country much in the same way as the Mayors of the Palace ruled France when the descendants of Clovis were the nominal sovereigns. The unfortunate Rajah, at the time we conquered the Peishwa, was a captive closely confined, if not actually in chains. It was then the policy of the Government to set up the descendants of Sivajee in order to conciliate the Mahrattas, and the Rajah was made a prince upon condition that he should do nothing—not even marry—without the consent of the Indian Government. In fact, he was not a sovereign at all, but a mere puppet set up by the Indian Government for political purposes. Hon. Gentlemen laughed, but surely that was better than being imprisoned. This foolish lad chose eventually to rebel against British power, and for that offence he was deposed, and his brother succeeded him. His brother died without heirs, but on his deathbed he adopted a son who was not even a descendant of Sivajee, though he was descended from some one higher in the line of ancestry. So little did the boy whom he adopted expect that adoption that he could not be found when the Rajah was dying. He had gone out birdcatching or on some other boyish pursuit. They had to hunt for him up and down. The British Government refused to recognize him as the successor of the Rajah. And that was one of the great hardships which the right hon. Gentleman the Member for Buckinghamshire had described with so much unction. It was remarkable that the only two remaining Mahratta Princes—Holkar and Sindiah—had rendered us assistance. The case of the Rajah of Berar was still stronger than that of the Rajah of Sattara; for he died without making any adoption. His widow did; but that adoption was not by the Hindoo law a legal one. The right hon. Gentleman had said that the East India Company must have known the state of the Sepoy army, for they had such ample warning. Upon that point he (Mr. Mangles) would call Sir Charles Napier — "the fiery Napier" — into court as his witness. His right hon. Friend the President of the Board of Control had not done his own argument on that subject justice, or anything like justice. His right hon. Friend had quoted Sir Charles Napier as to the stature and personal appearance of the Sepoys, but he might have gone much further and have shown what Sir Charles Napier thought of their state of discipline and trustworthiness. In the first place here was a general order, dated the 16th of January, 1853, upon the trial of a Native serjeant of infantry, in which Sir Charles Napier said:—

> "I have seen most of the armies in the world, and I have never seen one that was better paid or better cared for than the army of the East India Company. Never have I seen a more obedient or more honourable army, and I will not allow a few discontented malignant scoundrels to disgrace the colours of their regiments by an insolent attempt to dictate to their Government what pay that Government shall give soldiers towards whom it has always been just and generous."

But that was not all. An hon. and learned Gentleman had spoken slightly of Lord Dalhousie, in relation to his difference with Sir Charles Napier as to the payment of the troops. Was that hon. and learned Gentleman aware that the Duke of Wellington investigated that question and gave a verdict upon it? He believed he was not, and he would therefore read a few of the words which the Duke of Wellington used on that subject. The Duke said:—

> "The Governor General was right. I have no hesitation in stating my opinion that there exists no sufficient reason for suspending the order of the 15th of August, 1845; that the Governor General was right, and did no more than his duty in expressing his disapprobation of the Commander in Chief in suspending the order of the Government in relation to paying the troops and ordering the adoption of a formally repealed order."

The Duke of Wellington then gave his opinion in favour of the Governor General; but of course on military matters the Duke was not so high an authority as the hon. and learned Gentleman. In Sir Charles Napier's Report on the military occupation of India, dated the 27th November, 1849, was the following passage:—

> "The defence of our Indian empire is confided to four distinct armies (Queen's, Bengal, Madras, and Bombay), consisting collectively of about 300,000 fighting men and 400 pieces of field artillery, ready for war, without including those of position, mounted on forts, and lying in our arsenals. This is a vast army, and it is in a good state of discipline, complete in its equipments, full of high courage, and a high military spirit reigns through all ranks. It is also necessary to say that this force could be doubled without any injurious pressure on the population, and that every part of India can furnish recruits in abundance. Our service is extremely popular, and the troops faithful to a proverb. There are some things which admit of correction, and these may be put right when the Commander in Chief is placed on a proper footing, but not till then."

In a subsequent passage of his Report, Sir Charles Napier said:—

> "I have heard that Lord Hardinge objected to the assembling of the Indian troops for fear that they should conspire. I confess I cannot see the weight of such an opinion. I have never met an Indian officer who held it, and I certainly do not hold it myself; and few men have had more opportunities of judging the armies of all three Presidencies than I have. Lord Hardinge saw but the Bengal army, and that only as Governor General, and for a short time. I have studied them for nearly eight years, constantly at the head of Bengal and Bombay Sepoys, and I can see nothing to fear from them except when ill-used; and even then they are less dangerous than British troops would be in similar circumstances."

Was that a warning? The right hon. Gentleman (Mr. Disraeli) had spoken of the grievances of the Sepoys, and had quoted Lord Melville as an authority. Lord Melville had certainly spoken disparagingly of the state of the Bengal Sepoys, but he did not say that they had any grievances to complain of. The truth was, that the only grievance which did exist was one of which the Government itself had to complain, and that was, that they had been so much indulged that their discipline had been affected. He (Mr. Mangles) believed that Sir Charles Napier said what was perfectly true when he stated that no body of men in the world—certainly no body of soldiers—had ever been so indulgently and over-kindly treated and had had so little grievances to complain of as the Sepoys. He believed that they had been spoilt. But he did not believe that this mutiny was a matter of discipline; it was the work of a frantic fanaticism on the part of some of them who would not listen to explanations, and who acted like madmen because they fancied that the Government intended by force or fraud to deprive them of their caste. The Bengal Sepoy was a simple-minded and almost childlike person. He was taken from the best description of the agricultural classes, and he (Mr. Mangles) would stake the little reputation which he had as to a knowledge of India, that when the facts of the case came to be known it would be found that the frightful atrocities which had occurred had not been committed by the Sepoys at all, but by the prisoners released from the jails, and by some of the bad characters that congregated at the bazaars and other places of that sort. The men were mad from a fear that their caste was to be interfered with, and were scarcely masters of their own actions. The right hon. Gentleman, in his eagerness to get at the causes of this mutiny, did not wait until the matter was reported upon by those in India who were best qualified to form an opinion upon it. Yet, strange to say, he had not hinted at the hypothesis that these men might possibly have been acted upon by some foreign or extraneous agency. Nobody in this country was competent at this moment to speak positively on such a point; but from all that was known of the habits and general fidelity of the Sepoys it might fairly be suspected that they had been acted upon by extraneous influence of some kind or another He entirely agreed with what the right hon. Gentleman had said as to the Christian missionaries. While these missionaries were entirely unconnected with the Government, and went among the Native population simply as preachers of the truth, the purity of whose lives was generally known, their labours would be viewed not only without jealousy, but with respect by the people of India. The real danger to be carefully guarded against was a belief on the part of the people of India that the Government aided and abetted the missionaries. The Government should give no assistance, direct or indirect, to the missionaries, but should simply stand by and see that they were not wronged or persecuted. At the same time the Government ought not to remain inactive in regard to the moral and intellectual advancement of the people. A great Roman had said, "If it were never dangerous to do right, who would ever do wrong?" It was not safe, perhaps, to put down the suttee and the sacrifice of children, which were once so common in India, but which were now suppressed by law. It was a mistake to suppose that the society in Calcutta to which allusion had been made was anything new, or dated no further back than Lord Dalhousie's time. It existed thirty years ago, before the suttee was abolished, and it had petitioned Parliament to restore to the Hindoos the privilege of burning their mothers. Parliament, however, not deeming the denial of such a privilege a serious grievance, wisely refused to accede to their prayer. So, also, it seemed a most atrocious thing that a man who changed his religion should be deprived of his property. Surely, it was not a very cruel hardship that a man should not be suffered to rob his brother because that brother chose to profess a different creed. [Mr. Whiteside interposed a remark.] The law to which the hon. and learned Gentleman referred did not touch the question of caste. It simply declared that no man should lose his inheritance on account of a change of his religion. It was alleged that the Indian Government had resumed endowments of land once dedicated to the support of the Mahomedan religion. That was a total error. All such endowments were held sacred by the State, and never interfered with. He would not trespass further on the time of the House at that late hour, but, in conclusion, would merely thank them for the kindness with which they listened to him.

Mr. LIDDELL could not sit quietly in his place while such an attempt as that of the noble Lord the Member for London was made to set aside this Motion. The noble Lord's Amendment was wholly incongruous to the Motion. That Amendment asked them to do that which no doubt every man in the country would cheerfully do at such a moment of peril—namely, to support Her Majesty in maintaining the brightest of her territorial acquisitions; but the Motion of his right hon. Friend asked for information, which was yet denied them, as to the causes of the late disasters. The contents of the meagre papers already furnished to the House did little more than suffice to show that there were proclamations and other official documents still behind which the people of England had a right to see. He therefore wished to know from the Speaker whether it was not competent for the House, while cordially agreeing in the noble sentiment of the Amendment, at the same time to press her Majesty's Government for the information which they were entitled to demand.

MR. AYRTON moved the adjournment of the debate.

Motion made, and Question put, "That the debate be now adjourned."

The House *divided:* — Ayes 79; Noes 203: Majority 124.

Question again proposed.

MR. AYRTON said, he had no wish to stand between the House and the right hon. Gentleman (Mr. Disraeli) who had risen at the same time. He had moved the adjournment of the debate because he thought the question was one of such vast importance both to India and to this country, that it ought to receive the full and deliberate consideration of the House; but after the strong expression of opinion which had just been given he would not enter upon the subject, as it was impossible to do justice to it at that hour of the night. He must, however, tender to the right hon. Gentleman (Mr. Disraeli) his ackowledgments for the great service he had conferred, not only on this country, but on India, by the admirable manner in which he had placed before the House all the great questions that affected the welfare of India, every one of which was worthy of a separate debate. To show the true causes of the mutiny would require considerable time and greater attention than the House was capable of at that late hour, and he should prefer to give way therefore to the right hon. Gentleman opposite.

MR. HADFIELD said, that he also regretted that the debate on a subject of so much importance should be disposed after so brief a period given to its consideration; and was much surprised that so little prominence should have been given in the debate to the commercial view of the Indian question. The key to the solution of the difficulty was afforded by one word which had been introduced by the noble Lord into his Amendment—the "contentment" of the people of India. Depend upon it they would never prosper in this matter by force of arms. Unless they could induce the people of India to see that their interests lay in their relations to this country, they would never obtain a permanent hold upon them.

MR. DISRAELI: I had no personal interest in the division which has just taken place. Having, by the kindness of the House, had an opportunity of expressing my views on the condition of India, which must now for some time occupy the attention of the country, and considering that the Motion for the adjournment came from the other side of the House, I think I should have acted not only with discourtesy, but also with a want of fairness, if I had not voted for it. I am content to have had an opportunity of expressing in my place in Parliament my general views on the condition of our Indian empire, and I do not look upon the decision of the House, whichever way it may go, or in whatever form it may be demanded, as being really an incident of any importance in the matter. The future is hid from us, and until that future is revealed, it is impossible to arrive at any satisfactory decision on these great events. I had no wish, therefore, to solicit from the House any definite judgment; but I thought it of the last importance that the House of Commons, under such circumstances, should show to the country that it has given its diligent attention and consideration to events of such startling importance and interest as those which have occurred in India. I must avail myself, under these circumstances, of my privilege for a few minutes to make some remarks upon the observations which have fallen from different hon. Members in the course of this debate, and as they shall be very few, I will at once refer to those which are of a personal nature. I can assure the President of the Board of Control that he labours under a great misapprehension if he supposes that I accused him of displaying levity in the answers which he made to me on a former occasion in reference to this subject. As I am not in the habit of preparing any expressions which I use in this House, I would not myself venture to say that I had not made use of particular words, but I can assure the right hon. Gentleman that nothing was more foreign to my feelings than to attribute anything of the kind to him, and my friends around me tell me that they were perfectly unaware that any such expression had fallen from me. I certainly did think, and I retain my opinion, that the manner in which the information from India was first received by the right hon. Gentleman, and on a subsequent occasion noticed by one of his Colleagues, did convey to me the idea —which is shared, I believe, very generally by the House and by the country—that the Government did not attribute that importance to these events which they deserved. That is a point which, after all, time must decide, and I am not prepared, and I never wished, to force the House to give an opinion on it. It has been said of me—and I hope the House will absolve me from egotism in referring to it — that this is a new-born zeal of mine in the affairs of India; and the hon. Chairman of the East India Company said of me that I was the stormy petrel of Indian affairs, inasmuch as I never made a speech on them except when they were in a disturbed condition. These are observations easily made and easily believed by a majority probably of the House. I cannot suppose that there are many Gentlemen who have watched my career with such critical minuteness as to be able to say whether the allegation is a true one or not; but, as it has been made, I may be permitted to observe that it has not the slightest foundation. Certainly, I can say with respect to Indian affairs what I suppose every Gentleman who has had a seat for some time in this House can—that it is not a subject which one gets much encouragement to meddle with in this House. The observations of the hon. Gentleman (Mr. Mangles) were a little inconsistent, because he owned himself, in the course of his speech, that on the occasion of the disasters in Affghanistan, I, occupying then an insignificant position in this House, did endeavour to attract its attention to the policy and to the causes which had produced them. But the hon. Gentleman says that circumstances having placed me in a more influential position, I did not exhibit that zeal for which I am now desirous of gaining credit in Indian matters. In 1853, the hon. Gentleman says, I never favoured the House with any opinion upon India. But what is the fact? In 1853 not only did I trespass upon the House at almost greater length than I have done to-night, but I did all that I could to prevent the renewal of that charter to which the hon. Gentleman owes the position which he at present occupies. It was at my instance that my noble Friend the Member for King's Lynn (Lord Stanley) brought forward the Amendment which, if it had been carried, would have prevented the renewal of that charter, and I supported him to the best of my power. The hon. Gentleman says that I was not a very frequent attendant on the Indian Committee of 1853. That sounds very well in debate, but when you come to analyze the facts—and I feel that I really must ask the House to excuse me for entering into these details—you will find that the result, so far as the interest which I took in India is concerned, is exactly the reverse of that which the hon. Gentleman wishes the House to infer. It so happened that the inquiry into the expediency of renewing the charter of the East India Company took place when I was in office. The right hon. Gentleman then at the head of the Board of Control (Mr. Herries), did me the honour to consult me —as I had then the direction of the business of this House—upon the form and mode in which that inquiry should be made. We finally decided that there were seven heads of inquiry which it was important should be entered into by the Committee before its decision was arrived at. The first head was as to the form of government; the next referred to those great questions upon which I have touched to-night—the revenue, the tenure of land, the interference of the Government with the religion of the Natives, and other matters of that kind. The first head of inquiry was entered into during the year that I was in office. I sometimes attended, and though the pressure of business was heavy upon me, I kept my attention fixed on all that took place before the Committee. Next year, when we were out of office, the Government which succeeded us came to the conclusion that, although the Committee of the House of Commons had only investigated one of the seven branches which we had fixed upon—namely, that referring to the mere form of government—the question of that double government, on which the country took so much interest,—yet it was absolutely necessary for the security of our Indian empire that we should without loss of time legislate, and enter upon an investigation of the other branches of inquiry after the Act had passed. My noble Friend the Member for King's Lynn then brought forward his Amendment—the mildest and most moderate which could have been proposed. All my noble Friend asked was that the House should not legislate until all the heads of inquiry had been entered into and reported upon. I supported him in that Motion, but we were defeated, as we always were when we took a view of Indian affairs opposed to that which continues to exercise so fatal an influence. The hon. Gentleman now says that I did not attend the Committee. But can a man occupy a less satisfactory position than to be a Member of a Committee of the House of Commons to inquire what shall be the new government of India when the House of Commons, before that Committee have half concluded their inquiry, have already decided the very form of government that shall be adopted? Why it was a perfect mockery. I admit that from the moment the House of Commons passed that Act I no longer attended the Indian Committee. The hon. Member acted otherwise, and if there is the slightest doubt on the subject I answer for the worthy Chairman that he was sedulous in his attendance upon that defunct and obsolete society for inquiry into what was already decided on. I have been obliged of late to refer to evidence then received upon such subjects as the levying of revenue and the tenure of land, and if the House want to see an apology for unalloyed and unmitigated confiscation they have only to turn to the evidence of the worthy Chairman. He has now explained everything that has occurred by what he terms the "frantic fanaticism" of the Sepoy. It is difficult, perhaps, exactly to define what "frantic fanaticism" may be, but when I listened to the worthy Chairman the other night, assuring us that his mission was to convert the whole of India to Christianity, I think that was frantic fanaticism. Commend me to this candid avowal of the Chairman of the East India Company, when the existence of our Indian empire is at stake. I now come to the answer of the right hon. Gentleman the President of the Board of Control. I had expected that the right hon. Gentleman might have adverted to those features of Indian society, history, and life, which I ventured to place before the House, and the importance of which I endeavoured to impress. But the right hon. Gentleman passed these circumstances almost without notice. He treated them as old stories. But it is because they have been heard before—because they are old stories—because they are permanent and enduring causes of misrule—that I brought them before the House. If they had been the accidents of the hour they would not have produced the events that have startled the most powerful country of the world. But the great defence of the right hon. Gentleman to the comprehensive view I endeavoured to take was an assurance of his ignorance. The right hon. Gentleman says—"I will prove that we had no warnings. I will prove that we, the Government of Great Britain, that I, the Minister of India, were more completely ignorant of the state of India than you imagine." The right hon. Gentleman spoke with all the simplicity that the Marquess of Hastings said was peculiar to Indian potentates. I had thought it quite possible that the right hon. Gentleman had no information on the subject, but with good-natured irony I gave him credit for some. At one time, indeed, I thought it just probable that with this double Government—rather with this Cerberus to watch over the affairs of India, the Government at Calcutta, the Government in Leadenhall Street, the Government in Cannon Row, and all the complicated contrivances of this vast machine—I thought it just probable that the right hon. Gentleman might have succeeded in obtaining a glimpse of light and some slight fragment of information. I did not think it right to assume that in these events which have alarmed a country and endangered an empire there had been in official quarters the gross ignorance which appears to have prevailed. The right hon. Gentleman denies that he knew anything, he protests his ignorance with a plaintiveness that is irresistible, and a pathos that I yield to without further struggle and argument with a Minister who, so far as India is concerned, would wish us to believe that his Government is the most purely ignorant Government, and therefore the most incapable (because there are some who believe that capability does depend upon knowledge)—the most uninformed Government that ever presumed to influence the destinies of that country. The right hon. Gentleman has suggested that this debate is of no use. The noble

Lord the Member for the City of London, who is not a stormy petrel, but rather the halcyon brooding on the waters, and who, when the Government is in any difficulty, produces a calm—a conciliatory calm—the noble Lord, too, does not see the use of this debate—he does not see what practical end is to be gained by it. Why, Sir, have I not suggested a measure that may have inconceivable influence on the future —the issuing of a Royal Commission; and have we not had an admission from the Government not only that the proposition is politic and practicable, but that they are not sure that this proposition may not have already been decided on. Is that a debate without a result? But then the right hon. Gentleman says that if we have a Royal Commission we must have a master mind at the head of it. The right hon. Gentleman says, "It is all very well to recommend a Royal Commission, but can you find a master mind?" I am not surprised that Her Majesty's Ministers, after the admissions they have made, should find some difficulty in discovering a master mind. But I venture to observe to the Government, that for the duties I wish the Royal Commission to perform no master mind is necessary. The possession of those high qualities that command the confidence of nations, the assertion of those principles that enchain the affections of mankind — these are what we want. What India wants is not a master mind, but the assertion of truth and justice by the sovereign power of the country. Let it be announced by the highest authority of this country, that you will no longer sanction the violation of right, that you will respect your engagements, and take care that those who are your subjects shall enjoy their just privileges, and rest assured that you will do more than all the devices of all the master minds to secure the tranquillity of India. I come now to the notice that I have placed on the paper. The right hon. Gentleman says that I have moved for the production of one paper that does not exist, and of another paper that cannot be produced. Now, as to the first paper that does not exist—I read in an Indian newspaper a year and a half ago—to which, therefore, it cannot be objected that it was an article produced with reference to these events—a detailed account of a document drawn up by General Anson on the state of the Bengal army, and submitted by him to the Governor General. The military service is congratulated upon this step on the part of General Anson. The paper is said to include the proposed constitution of the staff, and many other particulars are given. The writer awaits with the greatest anxiety, he says in conclusion, the decision of the Governor General on the subject. The person who wrote the article did not know the form of the document, and does not say whether it is a minute or a despatch. All that I could do, therefore, was to give as good a description as I could of that document, thinking that no Minister would make a technical objection to its production, and that if it were in his possession it would be placed before the House of Commons as a paper of importance. Now I have no moral doubt that a document of that description is in existence, and was presented to the Governor General of India. So much, however, for a document which is said not to be in existence. Let me next advert for a moment to that which will not be produced. The Report of General Napier, according to the noble Lord the Member for London, is immaterial and insignificant. Has the noble Lord, let me ask, read that Report? If not, how does he know that it is immaterial or insignificant? I myself have not seen it, but I know those who have read and conned it and are familiar with it—men of as high character and station as the noble Lord—and who assure me that it is most material and significant. I think it therefore of the utmost importance that that document should be laid before us; but instead of it, and as a substitute for the Report of General Anson, a man who has just died in the service of his country, and which, therefore, if produced, would give us some business-like information—and instead of the Report of General Napier, a man of extraordinary genius and resource, we are, it seems, to have one of those dry constitutional platitudes which, in a moment of difficulty, the noble Lord the Member for the City of London mechanically pulls out of the dusty pigeon-holes of his mind, and shakes in the perplexed face of a baffled House of Commons. The noble Lord's is one of those Amendments which nobody can support and which nobody can oppose. What idea, I would ask, can expressions so vapid give to this country, to Europe, or to Asia, of the feelings, the thoughts, and the opinions of the House of Commons at this moment? We are in difficulties—and we are to hasten to the

Throne, and announce a constitutional common-place? Either the Government should come forward with a policy, or the House should obtain information. I fancy the House would think it inexpedient that any one, at the opening of an emergency like this, should attempt to thrust his own opinion on them: but it is our duty by discussion to obtain a becoming knowledge of our position. We ought not to bring the debate to a close by asserting that which is, after all, nothing more than a mere routine sentiment. So far as I myself am concerned, I am satisfied that an opportunity has this evening been afforded me of stating, however imperfectly, my views as to the policy which we ought to adopt with regard to our Indian empire. The future must decide as to whether these views are or are not correct. I shall no longer contend about the miserable question whether two papers should be laid before this House, or whether we should accept the Amendment which the noble Lord the Member for London has submitted to our consideration. I shall rest satisfied with having placed upon record, before we return to our respective constituents, the principles which in relation to the important question in debate I profess, and the policy which I believe will be ultimately adopted.

MR. MANGLES, in explanation of the expression which had been used by the right hon. Gentleman who had just spoken, to the effect that he (Mr. Mangles) believed it to be his peculiar mission to convert the people of India, said that he had never made any statement so foolish. Upon the contrary, he had simply observed, upon the occasion to which the right hon. Gentleman had referred, that the Government of India should scrupulously abstain from all interference with religion, but had added that he thought that country had been placed by Providence in our hands in order that we might be instruments in His hands for ultimately spreading Christianity throughout the millions by whom it was inhabited.

LORD JOHN RUSSELL proceeded to say that he had not, as the right hon. Gentleman the Member for Buckinghamshire had stated, applied the words "immaterial and insignificant" to the Report of Sir Charles Napier. He had observed that he believed the Report was immaterial to the decision of the question at issue, but he had not used the word "insignificant" at all, nor could it ever be applied to anything emanating from a man of such high repute as Sir Charles Napier.

MR. T. BARING said, he had been a member of the Committee which had sat in 1852 and 1853 to inquire into the affairs of India, and which the right hon. Gentleman, the Member for Buckinghamshire, had charged with having abrogated its duties. Now the right hon. Gentleman was quite right in stating that the measure renewing the charta for India had been laid before the House of Commons before the labours of the Committee had been brought to a close; but he should remind the right hon. Gentleman that the point upon which the measure had mainly rested, namely,—whether the system of double government should or should not be continued, had been previously to the introduction of the Bill thoroughly investigated. The various other points connected with the subject, however material they might be, related merely to questions of administration, which could not have interfered with the passing of the measure. The Committee had no doubt in the course of their inquiry not been favoured with the attendence of the right hon. Gentleman, subsequent to the introduction of the Bill to the notice of Parliament; but he (Mr. Baring) could not help thinking that if the right hon. Gentleman had then entertained the opinions which he had that evening advanced, he would have done far better in giving expression to them before the Committee than in confining himself to suggesting to the noble Lord the Member for Kings's Lynn (Lord Stanley), the Motion for postponing legislation to a future year which he had submitted to the notice of the House. He (Mr. Baring) could not refrain from expressing his astonishment that the right hon. Gentleman, who seemed to regard the labours of the Committee as having been a mere farce, had not sought to give those labours efficiency by bringing under the consideration of the Committee the views which he himself entertained. Indeed, the only explanation which he could give with respect to the importance which the right hon. Gentleman appeared that evening to attach to those views which he must be held to have regarded as insignificant in 1853, was, he thought, to be found in the fact which had been stated by the hon. and learned Member for Devonport (Sir Erskine Perry)—namely, that the whole of the speech which they had heard from the right hon. Gentleman was the very same as he himself had made last year, The eloquence of the right hon. Gentleman was, it seemed, nothing more than the thunder of the hon. Member for Devonport. Be that as it might, however, he (Mr. Baring) could not understand why the right hon. Gentleman had kept his opinions to himself until the present crisis had arisen—a moment when it was desirable that the utmost confidence should be exhibited both by that House and by the country in the efforts of the Administration. He, for one, could not approve the course which the right hon. Gentleman had taken. The speech which he had made that evening would go forth to the country, and it would be seen that a man possessed of the great talents and the commanding eloquence of the right hon. Gentleman was of opinion that that there existed so many causes for the mutiny which prevailed in India as to justify the revolt of the entire population of that empire. The right hon. Gentleman, in effect, proclaimed to the people of India that their Government was bad, and that they ought not to rest satisfied until they had effected a change in that Government. It had, indeed, been his misfortune to differ from many of the views upon the subject of India which the right hon. Gentleman entertained; but upon no former occasion had he differed so widely from the right hon. Gentlemen as with reference to the policy of the course which he had that evening adopted. That course had, at all events, produced one good result—it had given rise to the statesmanlike and patriotic Resolution of the noble Lord the Member for the City of London, to which he hoped the House would assent.

VISCOUNT PALMERSTON: Sir, the right hon. Gentleman appears to be satisfied with his speech. I myself cannot pretend to answer for the opinions of other persons, but I must for myself say that I regret that a gentleman who possesses the talent of the right hon. Member for Bucks, and who holds such a prominent position in this House and in the country, should have selected a moment of great difficulty and anxiety to bring forward this Motion. I myself shall not go further into the subject than to say that I am content to stand upon the speeches of my right hon. Friend the President of the Board of Control and of the hon. Gentleman the Chairman of the Court of Directors (Mr. Mangles), and to leave those two speeches as antidotes to the speech of the right hon. Gentleman. I shall not, at this late hour, enter into the main question, or detain the House by repeating statements which have already been made; but I must say, with regard to one paper moved for by the right hon. Gentleman—namely, an assumed Report from General Anson (the right hon. Gentleman states that he has read that Report in an Indian paper: I do not dispute the fact)—I can only say that the Government are not in possession of such a Report, and therefore it is not in their power to produce it. With regard to the Report made by Sir Charles Napier in 1849, that Report undoubtedly does exist. The right hon. Gentleman says that he has never seen or read it; he can only suppose what it is. Now, I have read every word of it, and I can tell him what it is not. It is not a Report of the organization of the Indian army, but a Report, detailed, elaborate, and carefully drawn up, showing how to defend our Indian possessions against outward attack—showing where one place was more exposed than another—where weakness existed, and where security was peculiarly needful—in short, all those suggestions which foresight, precaution, and sagacity could recommend. To extracts from those papers—to such extracts as it is proper to publish, and as the House would think it proper to publish—Her Majesty's Government have not the slightest objection. But the House, I feel sure, would not be inclined to publish any document which it might be for the detriment of the public service to promulgate. I may say, however, that so far from this document being calculated to induce or warrant the Government in coming to the conclusion that the Native army of India would not be faithful to the Crown and Company, they had letters to anticipate exactly the reverse. It was stated in that document that the Indian army was faithful, that it was well disciplined, and it went on to complain that, owing to some objections for which no solid ground had been shown, the Indian army was not brought out in sufficient numbers for exercise. The writer said, with respect to the Bengal troops, that large masses of them ought to be exercised together. He scouted the idea of danger, and only counted that such exercise would promote their efficiency. I am satisfied that the House of Commons, having considered and discussed the present affairs of India, will not be content to separate on this the first discussion of the subject without carrying to the foot of the Throne an assurance to Her Majesty that She will receive their earnest and cordial support in any emergency which may occur, and that they will take into their consideration measures for the purpose of placing on a permanent footing the tranquillity of that part of Her Majesty's dominions. I am glad, therefore, that my noble Friend, than whom there is no one more fitting to deal with such a matter, in the Amendment he has moved, has struck the key-note of the public feeling in this matter, and I hope that the House will think it proper that they should not separate this night without voting unanimously for the Amendment of my noble Friend.

SIR JOHN PAKINGTON wished to advert to what had just fallen from the noble Lord. If he understood the noble Lord, the hon. Member for Guildford, in reading to the House what he (Sir J. Pakington) believed to be extracts from a blue-book, had, in fact, been reading part of the very paper for which his right hon. Friend had moved, and which the Government had refused, and which was not, therefore, a public document. The noble Lord must be aware that it was a grave irregularity for a Member to read such a paper in such a manner, and after that the noble Lord could hardly refuse to produce it. Having received private information with regard to the contents of the paper, and of the value of its contents, he had listened with surprise to the statement of the noble Lord (Lord J. Russell), and though the noble Lord had forgotten that he used the word "insignificant," he (Sir John Pakington) could assure the noble Lord that he took a note of it at the moment. He hoped the noble Lord (Viscount Palmerston) would now make the paper in question a public document by laying it on the table of the House.

VISCOUNT PALMERSTON: The right hon. Baronet has mistaken what I said. I said that the substance of that part of the paper which related to the organization and discipline of the Indian army had been stated, and that I was ready to produce extracts of that part of it. I apprehend that there is no irregularity in reading to the House any paper which has not been produced, provided that the person reading it is ready to lay it on the table. I am ready to lay what has been read on the table, and I have given the reasons why the other part cannot be produced.

MR. DISRAELI: With the permission of the House, I will move only for extracts from that paper to which the noble Lord has referred.

GENERAL THOMPSON said, he rose to note that in the debate no notice had been taken of what was the most important part of the question, the breach of military faith and honour with the soldiers of the Native Indian army. The debate had been the play of *Hamlet* with the part of Hamlet left out; and there was an *audi alteram partem* which ought to be, and would have been, brought forward if an opportunity had been given.

Question, "That the words proposed to be left out stand part of the Question," put and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Resolved, Nemine Contradicente,

"That an humble Address be presented to Her Majesty, to assure Her Majesty that this House will cordially support Her Majesty in any efforts that may be necessary for the suppression of disturbances in India, and in any measures that may be required for the permanent establishment of tranquillity and contentment in that important portion of Her Majesty's Dominions."

ELECTION PETITIONS BILL.

COMMITTEE.

Order for Committee read; Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

MR. AYRTON said, that there were very objectionable clauses in the Bill, especially that making the agent responsible for the petitioner, which was an entirely new principle in the Law of England. The affidavit referred to in the Bill was not printed with it, and nobody could therefore express any opinion upon it. He should move that the House adjourn.

Motion made and Question proposed, "That this House do now adjourn."

MR. ADDERLEY said, that he had adopted all the Amendments of the Attorney General, and the object of the Bill was now simply to impose double costs where a petition was withdrawn without leave of the House. He thought that a very harmless measure, considering the great evil it was directed against.

MR. FITZROY said, the Bill was by no means urgent, and it would be in ample time next Session, as all the matters it referred to were now passed and gone by.

Motion and Original Question, by leave, *withdrawn:* Committee *deferred* till *To-morrow.*

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, July 28, 1857.

MINUTES.] TOOK THE OATHS.—The Duke of Brandon.

PUBLIC BILLS. — 1ª Parochial Schoolmasters (Scotland).

2ª Fraudulent Trustees, &c.; Trustees Relief; Reformatory Institutions; Public Works (Ireland); Turnpike Acts Continuance; Banking.

3ª Prisoners Removal.

FRAUDULENT TRUSTEES, &c., BILL.

SECOND READING.

Order for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading of this Bill, stated that it had come up from the other House of Parliament, where it had been introduced by his hon. and learned Friend the Attorney General, its object being to remedy what was generally felt to be a serious defect in our existing system of law. As the law had been handed down, not as a written code, but in a traditionary form from remote ages, it partook very much of the characteristics of the early state of society to which it had originally been adapted. This was particularly the case with reference to the fraudulent appropriation of trust property. It dealt with the matter in a way which was sufficient, no doubt, in a state of society when personal property consisted only of chattels properly so called; but it was certainly not very applicable to the wants of the present day, when personal estate admitted of very complicated relations. The difficulty now experienced was this:—The trustee was the legal owner of the property committed to his charge, and the law, therefore, did not meet a case in which he improperly applied that property, which in the eye of the law belonged to him and not to the beneficial owner. Every one admitted that this was a technical rule which required to be remedied. Now, this Bill proposed that if any person, being a trustee, should, with intent to defraud, convert or appropriate the trust property or any part of it to his own use, he should be guilty of a misdemeanour. He had never heard any objection advanced to the principle of this measure, but objections to its details of a technical nature had, he believed, been started. It was said that it would be extremely difficult to define what should constitute a person a trustee; but he thought that for all practical purposes this difficulty was sufficiently met by the interpretation clause, which provided that a trustee shall include an executor, administrator, or assignee in bankruptcy or insolvency; and he did not believe any serious difficulty would arise on the point. The next clause to which objection had been taken was one which had been introduced during the passage of the Bill through the other House, and which in his opinion would require very great consideration and amendment—indeed, some of their Lordships thought it should be struck out altogether, on the ground that, having once defined the offence, they should leave the parties interested to their discretion as to prosecuting, as in other cases. This clause was the 12th, which provided that no prosecution should be instituted against a trustee under this Bill without the sanction of some one of the Judges of the superior courts of law or equity, or of the Attorney General. Now, to make the Judge who would eventually, perhaps, have to try the case, act as a sort of grand jury beforehand was a course open to great objection, and he should therefore feel bound to vary the clause upon this point. There was not the same difficulty in providing that the sanction of the Attorney General should be obtained. That was a principle not unknown to our law, for in revenue prosecutions and some others no proceedings could take place without the previous consent of this functionary. He (The Lord Chancellor) was willing, therefore, to provide for the previous sanction of some legal functionary before a prosecution could be instituted against a trustee, because, considering the difficulty of deciding what were and what were not misapplications of trust funds, it ought not to be in the power of a disappointed beneficiary to cast upon the trustee at his pleasure a slur of a criminal prosecution. The second section of the Bill rendered merchants, bankers, and brokers, criminally liable who fraudulently sold and applied for their own purposes the property entrusted to them. This was merely a small extension of the law as it stood at present. They were liable at present if there was a written direction as to its disposal; but there was no reason for such a restriction, and the Bill extended the liability to all property, however entrusted to them. Another section provided for a most strange incident connected with our law, the existence of which persons unlearned in the law would with difficulty credit. If a carrier fraudulently made away with a parcel entrusted to him for delivery, the law did not hold him guilty of any misdemeanour. He became the baillee, and was only responsible civilly to the owner of the property. This, no doubt, was owing to the fact that the offence in such a case did not answer the old form of indictment, *cepit et asportavit*—a carrier did not take and carry away, because the property was given to him; but if he broke open the parcel, and sold part of the contents, he was guilty of larceny. This Bill took away this assumed distinction, and constituted this offence a misdemeanour. Serious injury had resulted of late to large bodies of shareholders from the malpractices of directors and others; and this Bill rendered it a misdemeanour on the part of directors or officers fraudulently to misappropriate the money of the company, to keep fraudulent accounts, to wilfully destroy books, or publish fraudulent statements. These were the principal provisions of the measure, which would only put the law upon the footing on which it now rested in Scotland, and he hoped, therefore, their Lordships would consent to give the Bill a second reading.

Moved, That the Bill be now read 2ª.

Lord St. LEONARDS said, he did not rise to oppose this Bill; on the contrary, he approved a great portion of it, and gave it his hearty concurrence; but he very much lamented that it should have been found necessary to make trustees the subject of such highly penal provisions in case of their misapplication of trust funds. No doubt if a trustee, not meaning to act dishonestly, but having the control of trust money, was induced by some tempting speculation to invest that money and so lost it, the beneficial owner suffered grievous wrong. If, however, he (Lord St. Leonards) were asked who upon the whole had suffered most—persons entitled to trust money by the acts of their trustees, or trustees by misapprehension and neglect through being pursued by the beneficial owners and compelled to make good the losses to the estate, he should be inclined to say that greater hardship was sustained by trustees in the honest discharge of their duties than was occasioned to beneficiaries by the acts of dishonest trustees. He could not but regret that it had been proposed to inflict so serious a punishment as penal servitude upon defaulting trustees, because he believed that under such a law it would be very difficult indeed, and almost impossible, to find any man who would consent to become a trustee. The Bill did not distinctly define who should be considered a trustee under it, if it should become law. There was much of the Bill which he approved. It was a great improvement on the Bill which was at first submitted to Parliament on this subject. The more he looked at it the stronger became his conviction that no honest trustee would be much endangered by its becoming law, but trustees in general would apprehend great danger from it. There had been many instances in which men of perfect honour had invested money belonging to those for whom they were trustees for their own benefit in speculations of different sorts. Nobody could defend that. If there was a profit those trustees put it into their own pockets, but if there was a loss it fell upon those for whom they were trustees. Nevertheless, the courts in this country had been accustomed to deal leniently with such cases, when it was clear that there was no intention to defraud. It would be necessary to take care in defining what persons came within the Act as trustees; he thought the interpretation clause, to which his noble and learned Friend had referred, did not meet the difficulty. Their Lordships were aware that he had laid on the table a Bill to relieve trustees who acted honestly, though erroneously, from the liabilities to which they were at present exposed. He had already explained the nature of that Bill, which he hoped might pass into law, because he felt confident that unless the Legislature relieved trustees from liability in respect of innocent breaches of trust, men would refuse to act as trustees. Their Lordships should bear in mind what was the relationship between a trustee and his *cestui que trust*. It had always been of a confidential nature. That confidence might have been abused, but surely those trustees who had, without any fraudulent intent, and in mere ignorance, committed a breach of trust, ought to be protected against penal consequences. Latterly, owing to the difficulty of obtaining private trustees, the office of trustee and executor had become a mere trade, and the late South Sea Company had proposed to establish themselves a limited liability company for the purpose of performing for a certain profit the office of trustee and executor; their Bill had, however, partly owing to his own exertions, been defeated; but companies of that sort must thereafter be resorted to unless the Legislature took care how they dealt with trustees who had no intention to defraud. He understood that some parties were availing themselves of the Limited Liability Act to establish such a company. He (Lord St. Leonards) entirely objected to the principle of such a company. Hitherto the office of trustee had been filled without the trustee receiving a single shilling of remuneration for his labour. If heavy responsibilities were now to be imposed by the law upon trustees, the Legislature ought to enact that trustees should be legally entitled to remuneration. But how were they to estimate the labour of trustees? If trustees were to be expected to sacrifice their time and risk their property gratuitously, the law ought not to deal harshly with them. He concurred with his noble and learned Friend on the woolsack in thinking that that part of the Bill which enacted that a prosecution against a trustee should require the sanction of one of the Judges ought to be amended, because if a man were sent to trial upon the recommendation of a Judge, his case would be thereby prejudged, and he would be sent, as it were, with a halter round his neck.

LORD BROUGHAM said, he need hardly remind their Lordships how anxious he had always been for a measure of this sort, and how repeatedly he had complained of the great defect and worse than anomaly in our law—an anomaly unknown to the law of every other country in the world—by which a breach of trust, instead of being an aggravation of the offence, as it clearly ought to be, was a means of escape from all punishment, and a crime was converted into a mere debt. On his suggestion, the Law Amendment Society had appointed a committee to inquire into this subject, and its members found that criminal breaches of trust, frauds, and thefts by trustees and *quasi* trustees, many of whom were executors, were of much more frequent occurrence than they had expected. It was found, also, that these breaches of trust chiefly took place among persons of moderate circumstances, such as small tradesmen and others. Individuals in the higher ranks of life had the protection of professional advice and assistance, and it was very rare that frauds could be committed upon them. It was a very ordinary case, that if a poor man succeeded to the value of £400 or £500 in stock-in-trade, he was compelled to proceed against the executor for payment—the latter having appropriated, not perhaps the whole, but the greater part of the funds intrusted to him, and the poor man being thus deprived of his bequest. The case of a fraud and breach of trust by an executor so frequently occurred, indeed, that the late Mr. Bell, one of the most celebrated lawyers of the day, used to relate an anecdote on this subject of a family in Westmorland. Three or four of the sons were one day talking about the profession they should choose. One said, "I will be a farmer;" another said he would be a merchant; another, that he would be a soldier. One boy, however, to the surprise of the others, exclaimed, "I will be an executor." They said, "Why will you be an executor?" "Because," he replied, "ever since father has been an executor we have never been without meat in our house." He mentioned this story in illustration of his position that it was among persons of moderate circumstances that these frauds most commonly occurred. He knew of a case in which a man of rank and fame in the profession of the law spent the whole of the property of his two infant wards, died insolvent, and left them upon the parish. There was even an instance of a learned Judge who wasted the property of his infant ward. He thought the Bill well framed in not going too far, and that great improvements had been adopted in it since it was first printed. A greater offence could not be committed than by an ordinary trustee in gambling with the funds committed to his charge, he gaining all the profits where the speculation was successful. There could be no doubt that, if trust property so employed in speculation could be traced, the trustee could be made accountable to the person whose property he held in trust, who would be entitled to the whole of the profits so made. The difficulty of reaching some descriptions of trustees and agents might be got over by the principle of payment. In Scotland a fraud was considered of an aggravated character if it were committed by a trustee. He was informed by some of his friends among the Scottish Judges that the operation of the law in that country was highly satisfactory, and that the law was so well known and the hazard incurred by the trustee was so great, that an instance rarely occurred of a criminal prosecution for this offence. Those learned persons, therefore, rejoiced to find that England was taking a leaf out of their book to the great benefit of English jurisprudence, and in that congratulation he fully participated.

LORD WENSLEYDALE said, he should not oppose the second reading of the Bill, which he was of opinion contained some provisions which were well entitled to their Lordships' consideration. The measure had been very much improved in its progress through the other House of Parliament, but it was, he thought, susceptible of still further amendment. He did not, for instance, concur in the expediency of passing into a law that portion of it which required that, before a prosecution should be instituted, the sanction of a Judge or of the Attorney General should be obtained. The sanction of the latter functionary was no doubt rendered necessary under the existing law, in those cases in which questions relating to the revenue, or to a violation of the laws connected with the press, or points of great political importance were involved; but no such sanction was required under the operation of any other Act of a nature similar to that under their Lordships' notice. The objection, however, which he entertained to the Bill upon that ground was one which could be dealt with in Committee.

Motion *agreed to:* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Tuesday* next.

MILITIA BALLOTS SUSPENSION BILL.

On Motion for going into Committee, according to order,

THE EARL OF ELLENBOROUGH suggested to the noble Lord the Secretary for War that it would be advisable not to press on the Bill at present. It was impossible to say what turn the present state of affairs might take or what steps it might be necessary to take in the next fortnight to strengthen the military resources of the country, and he thought, therefore, that it would be advisable not to press on the Bill at present.

LORD PANMURE believed that any man who attempted to put into execution a compulsory ballot would totally fail. For his own part he had great confidence in the patriotic spirit of the people of this country, and he thought that under the voluntary system it would be quite possible to make any addition to the military strength of the country that might be deemed necessary. He could not therefore think that any advantage would arise from postponing the Bill.

VISCOUNT DUNGANNON hoped that the confidence of the noble Lord was not misplaced, but he feared that in consequence of what had taken place in Ireland on disbanding the militia, he might find more difficulty in raising the militia in that country than he anticipated. He quite concurred in the suggestion of the noble Earl to postpone the measure.

House in Committee: Bill *reported*, without Amendment; and to be read 3ª on *Thursday* next.

DISTRIBUTION OF PARLIAMENTARY PAPERS.

THE DUKE OF NEWCASTLE rose, pursuant to notice, to call the attention of Her Majesty's Government to the propriety of supplying, under certain regulations, free libraries and other literary institutions of the United Kingdom with the Reports and Returns which are printed by the order of Parliament. A few years ago a Committee of the other House of Parliament was appointed to consider whether it would be desirable to distribute Parliamentary papers to those institutions, and that Committee reported very favourably upon the subject; but that Report had never been acted upon. He most certainly did not advocate such a measure so much for the benefit of any particular institution as for that of the public at large, for he believed that it would be a great national advantage that the mass of Parliamentary information, which was yearly increasing in value, should be placed within the reach of the public. All that was said in Parliament was daily communicated to the public, much to their advantage, through the instrumentality of the public press; while the Reports upon which a great portion of their legislation was founded were practically unknown to the general body of the people. It was true that those papers had been made saleable, but that step had not been attended with the result which had been anticipated, for the public generally did not know through what instrumentality they could obtain those papers; and, as booksellers received no profit upon them, they had no interest in giving any information upon the subject. In the United States there was a most liberal dispensation of such papers, for all the papers, not only of the Federal Legislature, but also all those of the Legislatures of the various States were sent to the different literary institutions. In this country the principle had been admitted to a limited extent, for the papers connected with the

Committee of Council on Education and the Board of Health were circulated among the literary institutions throughout the country. He was aware that it would be necessary to exercise great discrimination as to the institutions to which those papers should be sent; but there was one class to which they might be certainly sent, and that was the class of institutions which had been established under what was called Mr. Ewart's Act, in such towns as Liverpool, Leeds, Hull, Oxford, and other places. One advantage of distributing those papers would be, to extend information to those who had not the opportunity of seeing the papers themselves, because in county towns members of the press would have access to them, and would no doubt circulate the information which they might contain through the medium of their respective journals. The expense would not be very great; indeed, he believed that Mr. Hansard in his evidence before the Committee had estimated it at £1,500 a year—so that he did not think that any objection could be raised on that score. If the principle which he advocated were adopted it would then become necessary to consider under whose management the circulation of those papers should be placed, and there were two plans, either of which might be adopted. It might be placed under the management of one of the numerous departments of the Government connected with science and art, or it might be placed under the control of a Committee of the other House, to be appointed at the commencement of every Session. He said a Committee of the other House of Parliament because, while all the papers which were laid on their Lordships' table were presented to the House of Commons, many documents which were laid before that House were never presented to their Lordships. His object in calling attention to this subject at this period of the Session was, that the Government might consider the Report of the Committee which sat four or five years ago, and might, before the commencement of the next Session, be prepared with some method of carrying its recommendation into effect.

The Duke of ARGYLL said, that his noble Friend to whose department this question more particularly belonged (Earl Granville) was unavoidably absent, having gone down to a distant part of the country; but as the noble Duke had come to the conclusion that the expense which

would be involved by communicating these papers would not exceed £1,500 a year, he might, he thought, take upon himself to say that, on the ground of expense, there could be no great objection to the noble Duke's proposition. The difficulty he saw, however, was one to which his noble Friend had very slightly adverted, namely, the abridgment of the papers; he believed his noble Friend used the term "abridgment."

The Duke of NEWCASTLE: No; "selection."

The Duke of ARGYLL: Then the question was who should make the selection? And whether it should it be the Department of Science and Art or the Committee of Council on Education was, in his opinion, well worthy of consideration. He might, however, answer for his noble Friend (Earl Granville) that he would not fail to attend to the suggestions made by the noble Duke.

Lord REDESDALE said, that whatever arrangements were ultimately determined upon, care should be taken that these papers were not sent to parties to whom they would be of little or no value. He would suggest, therefore, that with the view of testing the anxiety of public institutions to possess themselves of these papers, they should be required to pay a small annual subscription.

Lord TALBOT DE MALAHIDE expressed a hope that when the Government took the matter into consideration, they would also consider the propriety of extending the privilege to the literary and mechanics' institutions of Ireland.

Lord STANLEY of ALDERLEY said, that the recommendations of the Committee were already partially acted upon in the case of the valuable Reports which were made from time to time to the Board of Trade, copies of which he had ordered to be furnished to the various Chambers of Commerce throughout the kingdom. If the noble Duke's suggestion were carried out care should be taken that the papers were sent only to those institutions which were well established, and might be said to have a permanent existence.

PETTY SESSIONS IN IRELAND.

QUESTION.

Viscount DUNGANNON asked the Lord Chancellor, whether in the next Session of Parliament it was contemplated to alter and amend the present Petty Sessional Acts in Ireland, so as to assimilate them to those now in force in England and Wales?

The LORD CHANCELLOR said, that his right hon. Friend the Attorney General for Ireland had this subject under his consideration, and would next Session be prepared to introduce into Parliament a Bill to consolidate and amend the Acts relating to petty sessions in Ireland; but not entirely to assimilate them to the English law upon the same subject, partly because he thought that the circumstances of Ireland rendered necessary some variations from the law of England, and partly because in some respects he considered the law of Ireland superior to that of the former country.

BUSINESS OF THE HOUSE.

RESOLUTIONS.

On the Motion of Lord REDESDALE it was *Resolved:—*

"That this House will not read any Bill a Second Time after Friday, the 7th Day of August, except Bills of Aid or Supply, or any Bill in relation to which the House shall have resolved, before the Second Reading is moved, that the Circumstances which render Legislation on the Subject of the same expedient are either of such recent Occurrence or real Urgency as to render the immediate Consideration of the same necessary.

"That on Friday, the 7th Day of August next, the Bills which are entered for Consideration on the Minutes of the Day shall have the same Precedence which Bills have on Tuesdays and Thursdays."

House adjourned at a Quarter to Seven o'Clock, to Thursday next, Half-past Ten o'Clock.

HOUSE OF COMMONS,

Tuesday, July 28, 1857.

GENERAL BOARD OF HEALTH BILL.

COMMITTEE.

Order for Committee read.

SIR GEORGE GREY, in moving that the House resolve itself into Committee on this Bill, said he wished to explain briefly the object of the Bill. The House was aware that by several Acts of Parliament general permanent powers had been established for the purpose of securing the public health, while a temporary authority alone had been provided by which those powers could be carried into execution. In the course of last year the General Board of Health, as at present constituted, was continued until the 29th of July in the present year, and until the end of the then next Session of Parliament. It was therefore necessary, unless Parliament should be of opinion that the powers of the Board should entirely cease, that provision should be made for the continuance of the exercise of powers which in many parts of the country had proved very beneficial, in the event of the occurrence of any emergency, such as the breaking out of an epidemic. The Government thought it unnecessary to continue as a distinct and separate department the Board of Health, and were of opinion, now that a Vice President of the Council of Education was appointed, with a seat in that House, that the powers vested in the Board of Health might be placed in the hands of the President of the Council of Education, aided by the Vice President. Thus the parliamentary responsibility under the proposed arrangement would be quite as complete as at present, and a considerable saving would be effected to the public, as the salary of the President of the Board of Health and other expenses connected with the Board would be immediately reduced. The object of the present Bill was to transfer the powers of the General Board of Health to a Committee of the Privy Council, but he understood some objection was entertained to the permanent character of the provisions of the measure. A Bill amending the Public Health Act of 1848 had been introduced, the consideration of which had been delayed so long by circumstances that it was now impossible it could receive the attention it deserved during the present Session. Therefore he admitted it would not be reasonable to ask the House to provide by the Bill which he now proposed a permanent authority to carry out the provisions of another measure which yet remained to be discussed; and under the circumstances all he should do would be to ask the House to alter the present measure to a mere continuance Bill, but to connect with that continuance Bill enactments for the abolition of the office of the President of the Board of Health and the transference of the powers of that Board for a temporary period to the Education Committee of the Privy Council. He should propose in Committee that the present Bill should continue in force only until the 29th of July in next year, and to the end of the then next Session of Parliament, and the whole subject in connection with the Act of 1848 would be brought under the consideration of Parliament in the ensuing year.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

Mr. KNIGHT moved, as an Amendment, that the House go into Committee upon the Bill that day three months. Ever since 1854 they had been promised a general measure on this subject, and on the faith of that promise they had passed several renewal Bills. But the Government had not kept faith with the House; and now he thought they ought to fight the Board not as leaseholders, but as tenants at will—that was to say, let the House throw out this Bill and then the Government would be compelled to bring in the general measure they had promised, or the powers of the Board would expire. He objected to the continuance of a permanent central Board to over-ride the whole towns in England, and thus to place them in much the same position as those in Austria as regarded the central Government. He should himself not be satisfied with any Bill which did not convert the various local boards of health into independent corporations in one shape or another, so that they might become entirely independent of the Government, and be acceptable to the inhabitants. He was also opposed, on constitutional grounds, to transferring powers to the Privy Council—a proceeding which, in his opinion, was not unlike the innovation of the Star Chamber. He wished the Bill to be so altered that if the promised Bill of the Government were not brought in and passed next year, the Board of Health would expire and not again be revived.

Amendment *proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Sir GEORGE PECHELL also objected altogether to transferring the office from Richmond Terrace to the corner of Downing Street. He was decidedly against the powers of the existing Act being given to the Privy Council, and would oppose the preamble with the exception of the portion which dissolved the present General Board of Health.

Mr. PALK said, he considered this Bill to be highly objectionable. He was not aware that the Privy Council had any special aptitude for carrying out such sanitary regulations as the country might require. But he regarded this as a question affecting less the public health than the good faith of the Government. Last year they had introduced, and succeeded in passing, a continuance Bill on the most distinct understanding that they should introduce a general public health measure sufficiently early in the present Session to afford time for a full discussion of its merits. Upon that pledge, and that pledge alone, they had obtained the assent of the House to a continuance Bill. But they were at present leaving unaccomplished the engagement into which they had thus entered. The Bill which they had introduced, but with which they did not mean to persevere, was as objectionable an one of its kind as any he had ever known. One of its clauses would render permanent all the main provisions of the Act of 1848. But that Act had been found wholly ineffective for the attainment of the object for which it had been framed; it tended to destroy local self-government, while it had contributed to add largely to taxation and to create considerable irritation and ill-will in the districts to which it had been extended. He gave his cordial support to the Motion for the rejection of the measure then under the consideration of the House.

Mr. COWPER said, that the Government had redeemed their pledge to introduce a general Bill on this subject, and he was most anxious that it should pass in the present Session; but hon. Gentlemen opposite were more responsible for delaying the Bill than he was. He regretted that there should not be in that House the same interest in sanitary questions which was felt in the country, but if the House was not willing to give precedence to questions affecting the health and lives of the people over merely political questions, they must not complain of delay. With reference to the necessity of continuing the existing Act, the House must remember that the Municipal Act did not give the powers which were exercised under the Public Health Act in reference to drainage, cleansing, and all matters connected with the purification and improvement of dwellings in towns, and the consequence had been that something like forty municipalities had adopted the Public Health Act, and had found its powers of the greatest use and advantage. As for the statement that the Act of 1848 promoted jobbing, all he could say was, that the power given to the central Board was given to prevent jobbing on the part of the local Boards, and all the powers complained of as arbitrary were simply exercised for the benefit of the inhabitants of towns by controlling those who governed them. The power of applying the Act against the wish of the inhabitants, though it existed on paper, was never exercised. On the other hand, several of the corporate towns, of their own will, had come under the operation of the Act, and found the greatest benefit from it. He had a list of forty-five towns in which sanitary works had been completed, and it appeared from that list there was a great decrease in the rate of mortality since the completion of those sanitary works. In Coventry, the mortality had fallen in the proportion of 27 to 24; in Darlington, from 68, in 1852, to 23; in Derby, from 28 to 23; in Swansea, from 22 to 19, and so on. The Registrar General in his Report said, that the effects of the sanitary measures which had been recently taken were beginning to be apparent, and that the mortality in 1,000 had fallen from the average of 23, in the ten years between 1846 and 1855, to 21 in 1856. That, he thought, was decisive. In the case of Sandgate the mischief arose from the mismanagement of the local Board in employing improper people to do their work, and vesting in one individual functions which he was not able to perform. The case of Croydon had been much talked of, but he had lately made inquiries of all the medical men and others in that town as to its state. The answer of Dr. Carpenter, confirmed by all the rest, was to the effect that the drainage of Croydon under the local board had effected great sanitary improvement. The evil which had been felt there had been corrected by the efforts of the General Board of Health. The exertions of the General Board of Health had led to London being supplied with pure water, but still other towns stood in need of that prime necessity. A valuable Report was being prepared by the General Board of Health on the subject of the warming and ventilation of the dwellings of the poor, which would be productive of great advantage. Then there was the subject of vaccination, the law on which could not remain as it was, and an enormous mortality arising from small-pox and imperfect vaccination might be checked and prevented by the intervention of a central department. Again, the adulterations of food and drugs were matters to deal with which it was necessary to have some central authority. He therefore hoped the House would not be of opinion that it could abolish the Board of Health without establishing some central department in its place.

SIR GEORGE GREY said, he was anxious to meet in a spirit of fairness the opponents of the measure, and, admitting that it was desirable that some security should be taken for the consideration of the whole subject next year, he had proposed to limit the operation of the Bill according to the usual Parliamentary practice; but as distrust had been expressed, he was willing to depart from that form, and instead of limiting the operation of the Bill to the 29th of July next year, and to the end of the then next Session of Parliament, he would propose a fixed day next year—the 1st of September—beyond which the Bill should not operate. If, however, the House preferred to have a mere continuance Act, the Government could have no other objection to that course being adopted except that it would involve an expense of some £3,000 or £4,000 a year to the country.

MR. AYRTON said, that if the right hon. Gentleman contented himself with a simple continuance Act until the 1st of September next year, he would meet the views of all who opposed the present Bill; but if he went further, and insisted on the transference of the powers of the Board of Health to the Privy Council, he would be met with opposition. It was said that a saving would be effected by this Bill in consequence of the abolition of the office of President of the Board of Health; but the same saving might be effected without the Bill by the Government appointing, until the whole question should be discussed, some one now in office to perform the duties under the Bill for the salary he at present received. From the speech of the right hon. Gentleman (Mr. Cowper), it would seem that the action of the central authority was to be extended to almost every matter, as if the people of England were wholly unable to take care of themselves. He, however, was of opinion that bad local government was better than the best central government, for the political health of the people was even of more importance in the end than their bodily health.

SIR WILLIAM HEATHCOTE said, it seemed to him that now the only question before the House was, whether in the continuance Bill the powers of the Board of Health should be transferred to another authority. He thought that that was an important part of the matter which was to come under consideration at a future period, and the House should not anticipate a decision on it by adopting the provision as to the transfer of powers in the present Bill. It would be much better to make this Bill a mere continuance Bill.

MR. T. DUNCOMBE said, that last September a gentleman who represented the Board of Health attended a congress at Brussels. He made a speech, and above all other things, he recommended the people there to have boards of health. [Mr. COWPER: He was not a member of the Board of Health.] At all events, that gentleman made a speech in the presence of the Board of Health, and was cheered by the Board of Health. He said the people of Belgium had no idea what boards of health had done for England, and that by their means the mortality in nearly 200 towns in England had been diminished about 50 per cent. But he did not stop there, but went on to state that the fecundity of the land had by the same means been quadrupled. That was consolation to the country gentlemen. Now, with regard to the present continuance Bill, he (Mr. Duncombe) objected to the continuance of the Board of Health for six months, and if economy was to be effected by the Bill he asked, why should not the salaries of the Board of Health be reduced at once? The Board was expensive and totally useless, and should be done away with. As for its superintendence in respect to the supply of water in certain towns, the Home Department or Board of Works might undertake that work.

VISCOUNT EBRINGTON defended the administration of the Board of Health, contending that the sanitary condition of the great towns had materially improved since the passing of the Public Health Act. According to the testimony of all ministers of religion dirt, disease, and crime, were concurrent, and the Public Health Act was passed because many towns enjoying the benefits of the Municipal Reform Act were, nevertheless, in an unsatisfactory state. A number of those towns subsequently availed themselves of the provisions of the Act. Having devoted many years of his life to the promotion of sanitary reform, and believing it to be connected with the moral and religious improvement of the people, he could not avoid expressing a hope that the House would not abandon the principle of legislation which it had adopted on this subject.

Sir William Heathcote

SIR WALTER FARQUHAR said, he would withdraw all further opposition to the Bill if the right hon. Gentleman would merely pass a continuance Act till next September.

MR. HENLEY would prefer to see the Board of Health remaining where it was until the whole subject should be debated next Session, and the economy proposed to be carried out could still be effected by the right hon. Gentleman (Mr. Cowper) undertaking in the meanwhile duties with which he was familiar connected with that Board.

Question put, "That the words proposed to be left out" stand part of the Question.

The House *divided:*—Ayes 98; Noes 73: Majority 25.

Main Question put, and *agreed to.*

House in Committee.

Clause 1 (Provides for the transfer of the Board to the Committee of Council on Education).

SIR GEORGE PECHELL said, he believed the Government must feel that it would be impossible for them to pass the Bill with that provision in the course of the present Session. He hoped they would not persevere with the clause, and he moved its omission.

SIR GEORGE GREY said, he understood that the House had on the division which had just taken place decided in favour of the clause. That was, in reality, the only point in dispute when they had divided.

MR. SPOONER said the question was, whether they should continue the Board at an expense of £3,000 a year, or transfer it to the Privy Council without that cost for a definite and specified period.

MR. AYRTON did not think Members were under the impression that in voting in the last division they were pronouncing a deliberate opinion on the point now raised. It was necessary the House should express an opinion upon it, and he would therefore press for a division upon the clause.

MR. T. DUNCOMBE said, he gave his vote on the ground that there should be no legislation on the subject in the present Session. The principle of transferring these powers to the Privy Council was quite new, and ought not to be carried by a side-wind. The tenacity with which the Government stuck to the Privy Council ought to excite the jealousy of the Committee.

Mr. SPOONER said, that a simple continuance Bill would involve a President, while the business would be done at the Privy Council by an additional clerk. No principle was involved, as next year they might make permanent arrangements.

Mr. AYRTON said, that as to the point of economy any Government officer might fill the office of President *ad interim* till a permanent arrangement could be made.

Mr. TATTON EGERTON wished to know if the principle was to be a temporary or a permanent one?

Sir GEORGE GREY said, he did not intend that the Committee, in assenting to this clause, should pledge itself to the principle that the powers of the Act of 1848 should be given to the Privy Council. If, however, it was the general opinion of the Committee that, during the interval which should elapse before next September, those powers should not be transferred to the Privy Council, he would acquiesce in that opinion, and move that the Chairman do now leave the chair with the view of making such alterations in the Bill as would carry out the wish of the House.

Mr. T. DUNCOMBE inquired whether the Government intended that the duties of the President of the Board of Health should be performed by the Vice President of the Committee of Council on Education?

Sir WILLIAM HEATHCOTE said, that if the change was not to be a permanent one he could not think it would be worth while to introduce it in a mere continuance Bill.

Sir GEORE GREY said, that, as it seemed to be the general wish of the House, he would be prepared to make this a continuance Bill, with only the understanding that without any transference of the Board its duties were to be discharged by his right hon. Friend (Mr. Cowper), and that a saving was to be effected in that way for the public. In order to carry out that arrangement he should move that the Chairman should then leave the chair.

House resumed. [No Report.]

GREAT YARMOUTH ELECTION.

The Earl of MARCH, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of Great Yarmouth, informed the House, that Charles Woolfen had this day been guilty of prevarication and other misbehaviour in giving his evidence before the Committee; and that he had, by direction of the Committee, by Warrant under his hand, committed the said Charles Woolfen to the custody of the Serjeant at Arms attending this House, to await the pleasure of this House.

Ordered,

That Charles Woolfen be for his said offence committed to Her Majesty's Gaol of Newgate till this House make further Order in his case, and that Mr. Speaker do issue his Warrants accordingly.

THE METROPOLITAN SEWERAGE.

QUESTION.

Mr. RIDLEY said, he wished to ask the First Commissioner of Works whether he can inform the House if there is any probability of steps being taken for carrying out the provisions of the Metropolis Act, by which it is determined that the river Thames shall be freed from the sewerage of the Metropolis. He had been informed that day that some of the Officers of the House were so affected in their health by the effluvia of the Thames that it was difficult for them to perform their duties.

Mr. C. S. BUTLER said, he also wished to ask the First Commissioner of Works the following questions:—When the question of the Main Drainage of the Metropolis was referred to the professional gentlemen appointed by him to consider the subject, Whether the referees are likely to make their Report before the close of the present Session? What course the First Commissioner proposes to take after he shall receive such Report, so that no delay may occur in the commencement of the works?

Sir BENJAMIN HALL said, he was quite aware of the circumstances to which his hon. Friend the Member for Newcastle-on-Tyne (Mr. Ridley) had referred. Perhaps he might be permitted to state that by the Metropolis Act of 1855 it was provided that large intercepting sewers should be made for the purpose of diverting the sewage from the Thames. It was also provided under that Act, that those sewers should be constructed by the Metropolitan Board of Works, but that before any works were commenced the plans should be submitted to the First Commissioner of Works for his approval. Now he could assure the House that so far as he was concerned not a single day had been lost in reference to this important matter. The plans were sent to him on the eve of the Christmas holidays, on the

22nd of last December, and on the 29th, seven days after, he referred them to the Engineers who had them under their consideration. That was his answer to the first question of his hon. Friend the Member for the Tower Hamlets (Mr. Butler). With regard to the second question, namely, whether the referees were likely to make their Report before the close of the present Session, he was happy to inform his hon. Friend that he had seen one of the referees that day and he believed their Report would be delivered to him on Thursday, or at all events before Saturday next. To the question what course he should take after he had received the Report, his reply was that he should forward a copy of it to the Metropolitan Board of Works; and it might be considered also convenient for him to lay a copy of it on the table of the House. He now came to the question put to him by his hon. Friend the Member for Newcastle-on-Tyne (Mr. Ridley). All he could say was, that the matter referred to rested entirely with the Metropolitan Board of Works. He had already shown the House that there had been no delay on his part, and all he could add was, that the moment he received the Report he would forward a copy to the Metropolitan Board, who would, he had no doubt, give it due consideration.

THE COLONY OF MORETON BAY.

QUESTION.

Sir JAMES ELPHINSTONE said, he wished to ask the Secretary of State for the Colonies a question with respect to the boundary of the proposed new colony of Moreton Bay. He had understood the right hon. Gentleman to state on a former occasion, that the boundary line would be between the twenty-fifth and twenty-sixth degrees of south latitude, and he would now beg to ask the right hon. Gentleman whether it was not a mistake, in order that, if it were, it might be corrected before the next mail went out to Australia.

Mr. LABOUCHERE said, he was much obliged to the hon. Gentleman for giving him an opportunity of setting himself right on this subject. In answer to a question which was put to him in reference to the proposed boundary line of the colony of Moreton Bay, he was represented to have stated that it would be between the twenty-fifth and twenty-sixth degrees of south latitude; what he meant to say was, that the boundary line would lie between the twenty-eighth and twenty-ninth degrees of south latitude.

CONVEYANCE OF MAILS BY RAILWAY BILL.

WITHDRAWAL OF BILL.

Mr. BULLER said, he wished to inquire whether the Conveyance of Mails by Railway Bill would come on for discussion that night, seeing that it was on the Order of the day?

Mr. WILSON said, it might be convenient to many hon. Members that he should state what course the Government intended to pursue with regard to this Bill. The subject to which this Bill related was one of great importance, and one with regard to which Committees had at various periods made Reports. Many of the existing arrangements with regard to the conveyance of mails had been found very inconvenient, and the Bill had been framed with the view of remedying those defects. The provisions of the Bill had been very much misunderstood, and he had been exceedingly anxious for the second reading of the Bill, because it would have afforded an opportunity of explaining to those who were interested in railways the real objects in view. However, in the present state of public business, it appeared almost impossible that there should be an opportunity for fair discussion, especially as the House of Lords had determined to limit to a very early day the reception of Bills from that House; and he regretted that the more, because he believed that if the Bill were really understood, railway directors would be far more disposed to acquiesce in it than they were at present. Under those circumstances, he should move that the Order of the Day for the second reading be discharged from the paper; and he should introduce the Bill again early next Session.

Order for Second reading read, and *discharged.* Bill *withdrawn.*

THE METROPOLITAN SEWERAGE.

QUESTION.

Mr. HILDYARD said, he wished to know whether, along with the Report of the Referees, to which the right hon. Gentleman (Sir B. Hall) had referred, it was intended to furnish an analysis of the evidence which was submitted to them; he alluded especially to the evidence of Mr. Morewood?

SIR BENJAMIN HALL said, he understood that there was a large Appendix to the Report, which would not be ready on Saturday. He should lay before the House all that he received.

THE LITURGY.

POSTPONEMENT OF MOTION.

LORD ROBERT GROSVENOR (who rose under manifest indisposition) said, in adverting to a Motion of which he had given notice, in reference to a modification of the Liturgy of the Church of England, that up to a late hour on the afternoon of the previous day, he entertained a confident expectation of being able to bring it forward. But since that time, he had had an attack of indisposition, which rendered it impossible for him to perform the duty of introducing the Motion in a satisfactory manner. He knew it would be a great disappointment to a vast number of persons, who took a deep interest in the question, that the Motion should be postponed; but it would have been necessary for him to trespass at considerable length on the time of the House in bringing forward that Motion, and he had too much respect for that House, as well as for those persons who did him the honour to place their confidence in him, to attempt that for the due performance of which he was physically incapacitated. It would, consequently, be impossible for him to bring forward the Motion during the present Session, and he would, therefore, postpone it till the next.

MILITARY INSTRUCTION.—RESOLUTION.

SIR DE LACY EVANS said that he rose, pursuant to notice, to bring forward his Resolution suggesting a higher standard of professional instruction and a more complete provision for it than has heretofore obtained for Officers in the Army, and especially the Staff. The subject was one to which public attention had been directed within the last few years by a remarkable concurrence of circumstances, among which were the reports of Committees of that House, a very important one especially drawn up by the Commissioners appointed by the Secretary for War, and the very able speech made in that House last Session by the right hon. Gentleman the member for South Wilts (Mr. Sidney Herbert), in the opinions of which he fully concurred. He ventured to think, however, that some other means were necessary for securing the object which that right hon. Gentleman and himself had in view, and it was to that end that he had to submit to the House a Resolution which he trusted would meet with the sanction of the Government. He ventured to hope, indeed, that it would be received by the noble Lord at the head of the Government in the same spirit as the somewhat kindred proposal made recently by the noble Lord the Member for the West Riding (Viscount Goderich) with respect to the Civil Service had been entertained by him, believing, as he did, that its adoption, like that of the Motion of the noble Lord, would strengthen the hands of the Government. The country was now in the same condition, with respect to military education, that it was at the commencement of the long war with France. During the first five or six years of that contest, the nation met with many disasters, and in consequence the Government resolved to form a college for military instruction. Accordingly, in 1799, a staff college was first formed in this country, which rendered important services to the army of that day, and it produced many officers of eminence; but after the termination of the Peninsular War, the institution was reduced from year to year, until it ceased to possess the means of imparting instruction to anything like the extent which it had originally done. In 1832 all Parliamentary aid was withdrawn from the college, and he believed the Under-Secretary for War recently stated in the House that, during the last two or three years, scarcely a single officer had presented himself for admission into it. There might perhaps have been some half-dozen who had received instruction in the institution since that time, but he was not sure about that. At all events, he thought that was a state of things which ought not to exist. There was evidence, in reports which had been laid before both Houses of Parliament, that not only Austria, France, Prussia, and other military nations had long applied their attention and devoted funds to this object, but even the United States, finding in 1814 that their officers were singularly wanting in knowledge, and that they had probably suffered some defeats in consequence, established a military school at West Point on a very extensive scale, and he believed that West Point College was established on the model, as near as possible, of the Ecole Polytechnique of France, though perhaps not so exclusively military in its object. As another instance of the manner in which this subject was viewed by those competent to judge, he would quote the high authority of Frederick the Great, in whose memoirs, after the Seven Years' War, he found this passage:—

> "The army had made numerous campaigns, but the Quartermaster-General was often in want of good officers for his department. The King wished to form a corps of such officers, and selected twelve individuals, who already possessed some slight acquaintance with engineer duties, for the purpose of instructing them himself. With this view they were made to sketch country, mark off camps, fortify villages, intrench heights, construct stockades, regulate columns of march, and, above all, to try the nature of marshes and the depths of streams themselves, that they might not be deceived by the negligence of others, and cause an army to depend upon the defensive support of a fordable river, or of a marsh which infantry could cross without being ankle deep."

Sir Howard Douglas, one of the most competent, experienced, and scientific of our officers, gave most important evidence before the Committee of the House appointed to inquire into the subject; and Sir H. Douglas, Colonel Portlock, Colonel Adams, Colonel Addison, and Colonel Prosser, who were particularly engaged in military instruction, gave it as their opinion that the senior and junior departments of the college at Sandhurst were in a most unsatisfactory state, and required revision and reform. The pressure of undue influence, however well-intentioned the authorities might be, required that some preventive, such as had been adopted by continental Governments, should be established, and he ventured to think that none would be so efficient as the introduction of the competitive system of examination. The Committee stated in their Report—

> "The government of the college is vested in the Board of Commissioners. The official members, in addition to the Governor and Deputy-Governor of the college, are the Commander-in-Chief, the Secretary at War, the Master-General of the Ordnance, the Quartermaster-General, and Adjutant-General. It is obvious that the pressing and important duties which fall on these officers can leave them but little time to devote to the military college."

There should be an independent Board to conduct the examinations. The Report mentioned that during the Peninsular War, when the general staff was very efficient, a great part of the Quartermaster-General's staff was composed of officers who had been educated at the senior department. The Report expressed an opinion that the present state of things in the senior department was unsatisfactory, and required revision and reform. The Committee were of opinion that the transferring from the junior to the senior department a military staff officer was not sufficient. They saw no means of placing the senior department on an efficient footing unless Parliament was prepared to grant aid to that important object. They did not see the justice by which the cadet was called on to pay for the education of the staff officers. The cadets, or rather the families of the cadets, were called on to pay for the education of the staff-officers of the army, and that system continued for many years, if not to some extent to the present time. Many other remarks were made by these officers before the Committee; but he would not now go into them as he saw many of the members of the Committee present, who, he hoped, would follow him on this occasion. The House should recollect that during the last half century this country had been making great progress in every department, and in no respect greater progress than in education. The grants of public money had gone on increasing year by year, for national schools, factory schools, union workhouse schools, prison schools, &c., and he believed they now amounted to £500,000 sterling. There was a very handsome expenditure, amounting to £18,500 this year, for the education of non-commissioned officers and privates, and the total sums, if the children of soldiers were included, was £46,000. But for officers, and especially officers of the army, the sum was at the outside £1,300. It was an extraordinary contrast, and he believed had been remarked upon by the Secretary of State for War in another place. The righ hon Gentleman the Member for South Wiltshire estimated the expense of putting the education of the officers upon a reliable footing, by the appointment of boards of examination, at £5,000, and a Vote for that amount appeared in the Estimates; but unfortunately the right hon. Gentleman left office, and the Vote dropped out of the Estimates. The right hon. Gentleman, in a statement upon the subject last year, expressed some disappointment that the Government had come to no decision upon the subject, and that there was no item of the sort in the Estimates. Another year had brought only the same result, nor had the statement of the former Under Secretary for War in the first session of the present year been altogether satisfactory. These circumstances, he thought, afforded good reason for wishing, at all events, if not to express distrust of the intentions of the Government, to stimulate the Government to use more promptitude and exertion. The first Resolution which he should submit was,—

> "That in the opinion of this House a higher standard of professional instruction and more complete provision for it than hitherto deemed requisite, ought to be established for the Commissioned Ranks of the Army, but especially for the Staff."

He ventured to think that that was a proposition which was already concurred in not only by the House, but by the country. His Resolution then went on to state that the object which he had in view

> "Will be best promoted by recourse to competitive examination of Officers desiring to qualify themselves for the Staff, and by adopting the same principle, with such qualifications as may be necessary, in examination of candidates nominated by the Commander-in-Chief for commissions in the Cavalry and Infantry."

No fair objection, he thought, could be taken to a certain degree of competitive examination in the case of candidates for staff appointments. Such an examination prevailed in our Universities, where the first men of the land—those who occupied leading positions in the two Houses of Parliament—had willingly exposed themselves to an ordeal similar to that which he proposed for officers seeking appointments on the Staff. Not only those who sought honours submitted to examinations, but those even who were desirous of obtaining the lowest degree, were obliged to pass an examination, and in many instances they were what University men called "plucked." Why officers in the army should shrink from the same ordeal he could not understand, and he saw no reason why the officers of the army should not run the risk of being "plucked." The officers of the navy were compelled to pass an examination not only for their first, but likewise for their second and third commissions. In 1849, as stated by the right hon. Gentleman the Member for South Wilts in his admirable letter to Lord Hardinge of December, 1854, the Duke of Wellington issued an order declaring that for the future there should be an examination of officers for lieutenancies as well as for first commissions. Notwithstanding the authority of that great man, his proposition with respect to lieutenancies was never carried into effect; but, as there was a similar examination in foreign armies and in our own navy, it was to be hoped that it might be renewed. The officers of the navy were undoubtedly more professional than the officers of the army, and therefore the latter need not be ashamed to imitate some of their proceedings. His Resolution next proceeded to urge the expediency of "preserving the present system of admission of cadets for the Ordnance Corps." He would not presume to pass any censure upon the officers of the army, and would even avoid quoting the statements of the Duke of Wellington, although they were well known to be very strong, both against the character of our private soldiers and the efficiency of our officers. The blame lay, not with the officers, but with the Government, which did not provide the officers with due opportunities for acquiring that information which it was desirable they should possess in order to the satisfactory discharge of their duties. Some of the greatest authorities who had written upon the Peninsular sieges had declared that the principal drawback experienced in carrying on those operations arose from an entire want of even rudimentary knowledge on the part of our officers, particularly referring to the ignorance of the officers and men of the line of the elementary knowledge necessary for assisting as working parties. That was not the fault of the officers, but was owing to the combined neglect and favouritism which had so long prevailed in the army. The present system of admission of cadets for the Ordinance corps was introduced by the Duke of Newcastle, and had been followed by Lord Panmure. It was an open competitive system, and he believed had been found to work well. He was anxious that it should be preserved, and trusted that there was no truth in the report which had reached him that there was some inclination in certain quarters to alter it. He could not understand why such a step should be thought of. The young persons who had come forward from the various colleges and schools throughout the country had been everything that could be desired. The subjects of examination were advertised by the Secretary for War, and it was open to any one, from any public school or college, or any profession in civil life, to compete. The number of candidates was considerable —between 100 and 200—and those who showed most proficiency were selected for the commissions. With respect to their social position, he might state that they came from the Universities of Oxford, Cambridge, Dublin, and Edinburgh; from the Colleges of Aberdeen, London, Brighton, Belfast, Cork, Galway, and Chester; from Rugby, Harrow, and Eton; and from the most considerable proprietary chartered and endowed schools throughout the country. What right, he asked, had any one to assume that these young gentlemen were not equal in every respect to those who, if the former system had been continued, would have been nominated by the Master General of the Ordinance under private and political influence? He did not ask the House to rest only on his own statements on the subject; he would bring authority also to bear on it. Mr. Peel, the late Under Secretary for War—a gentleman with whom he had not always had the happiness of agreeing—stated on the 5th of June last year that the existing plan had been found to answer well; that the successful candidates had proved to be men of superior education; that they were gentlemen and officers in every sense of the term, and worthy to hold the commissions they had won for themselves. He had heard that some of the authorities at Woolwich were rather disposed to discredit and depreciate those officers, and it was, perhaps, natural that they should be so, because the new system interfered with that patronage which they might otherwise have exercised; but as regarded the army there could be no ground of complaint. In support of the statement which he had made in reference to the social position of those who went up for examination in this corps, he would state the social rank of those who had gone up from the University of Dublin. Of these persons, ten were sons of clergymen, four were sons of barristers, three sons of officers in the army, two sons of landowners, three sons of bankers, and five others. There was no ground whatever, therefore, for depreciatory remarks with respect to their social position. A high authority—he believed Colonel Smythe, one of the Commissioners sent to inquire into the state of the colleges abroad—had stated that

> "The young men who have obtained provisional commissions have surprised the authorities by the extraordinary progress which they have made in acquiring a knowledge of the specialties of their profession, while their bearing and conduct have been most exemplary."

There were other passages which he could read in support of his views, but he thought he had stated enough to justify him in expressing a hope that the present system of examination for the Ordnance Corps would not be hastily abandoned. A few weeks since thirty examinations for these probationary cadetships were advertised, and no less than 120 candidates from the various schools and colleges of the country presented themselves for examination—double the number that ever appeared before. He hoped, therefore, most earnestly, that for the present, at least, an ample trial would be given to this system. It was very important that men of high talent should be attracted into our scientific corps. One of those corps, the Engineers, at present laboured under a considerable disadvantage, from the circumstance of some of its best men being at present rather frequently withdrawn from it to serve in civil employment. It was no doubt convenient to the Government to obtain the services of those officers, but it led to a similar complaint with that made as to the Indian army, that so many of its officers were withdrawn from military duties for civil or staff service. He would desire, for many reasons, that officers of Engineers should be employed as exclusively as practicable upon military duties. The next portion of his Resolution asked for "assured encouragement for proficiency and general fitness for advancement." He thought that promotion should be made to attend upon proficiency in study and testimonies of general ability; that for particular proficiency an appointment on the Staff, or, if possible, a step in promotion should be the reward, as was the case in the French army. Those, however, were matters of detail, with which his Resolutions did not deal; but he could not avoid expressing a desire that there should be a certain and reliable encouragement held out for proficiency and intellectual acquirements. He might be told, indeed, that there were other qualities besides those of intellectual knowledge required from officers of the army, and he quite admitted it. He quite believed, and was fully prepared to maintain, that no school could be so efficient as that of war in instructing officers in the duties of their profession, and in time of war those officers who had proved themselves to be fitted for the Staff would be the best of all officers; but in time of peace it was necessary to take the next best test. The last proposition which he had to make was the appointment of "Commissioners, or a Council of Military and Civilian Members," to carry out the objects he had ventured to propose. He had the highest opinion of the officers who composed the present board, but at the same time he did not think that any body of comparatively subordinate officers could be completely unbiased and independent while the Commander in Chief sat at their head. Moreover, the Report of the Committee of that House had stated, as before observed, their opinion that officers holding high positions at the Horse Guards had not sufficient opportunity for paying due attention to military educational subjects. He wished to add two civilians to the Board or Council, persons skilled in examination, to assist the Military officers in examining the candidates. He would at present abstain from submitting any further propositions, and feared he had already trespassed too long on the attention of the House. He should only then add that our army was a very small one, and yet had to perform duties more arduous than any other army in the world. There were indeed some old *ad captandum* objections still raised about a standing army, wholly unsuited to the present relative military power of other nations, but he believed if we had not some proportionate standing army the country would soon cease to stand at all, and would fall under the power of some foreign State. Again, it had been said that we were a purely naval nation, and not a military nation; but when he glanced at the map of the world and saw how many places we had conquered or occupied, and what vast territories the British army was called upon to defend and guard, he could not reconcile it with common sense to hold that we were not a military nation. If they looked back to the history of our army they would find some of the greatest achievements ever performed had been gained by our army. But, as it was small, it was absolutely necessary to make it as efficient as possible; and if steps were taken to do justice to all officers by guarding as much as possible against favouritism, and by making arrangements to afford the highest amount of instruction to all classes of the army, then he thought that our army, small as it was, would be found adequate to its duties and invincible by any other. The hon. and gallant Member concluded by moving—

> "That in the opinion of this House a higher standard of professional instruction and more complete provision for it than hitherto deemed requisite ought to be established for the Commissioned Ranks of the Army, but especially for the Staff; that this will be the best promoted by recourse to competitive examination of Officers desiring to qualify themselves for the Staff, by adopting the same principle with such qualification as may be necessary in examination of candidates nominated by the Commander in Chief for Commissions in the Cavalry and Infantry, by preserving the present system of admission of Cadets for the Ordinance Corps, by assured encouragements for proficiency and general fitness for advancement, and by appointment of Commissioners, or a Council of Military and Civilian Members, empowered to direct the measures for accomplishing these objects."

SIR FREDERICK SMITH said, it was no doubt desirable that a considerable amount of special instruction and general information should be given to officers, but he was not one of those who considered theoretical instruction equally valuable as practical instruction. He thought that most persons who entered the army brought with them a considerable amount of general instruction. He admitted that the knowledge of two foreign languages was necessary for an officer, but he did not think a high degree of mathematical attainments was essential either for officers of the staff or of the army at large; neither did he consider the amount of mathematical knowledge now required from officers in the special corps to be insufficiently high. Very few officers had occasion to bring into any practical use the attainments in mathematics they acquired at the Academy. He believed that for officers of the line and the staff a knowledge of field fortifications was necessary; they should be able to trace a front of fortification, and when they saw an attack laid down they ought to be able to comprehend the objects of it. Practically he thought they ought to be instructed in the art of making trenches, fascines, and gabions, of making bridges with casks and boats, and other operations which might become necessary at any time. But that would not require the high standard of attainments which the hon. and gallant General appeared to desire. It had been a matter of discussion whether the officers of the army generally and officers of the special corps should not be instructed at one establishment, and he believed that to be a most desirable arrangement. The plan had been tried at the East India Company's college at Addiscombe, and had been found to answer exceedingly well. Formerly it was not easy to carry out a scheme of this kind, but now that the whole patronage of the army rested with the Secretary for War, he saw no reason why it should not be resorted to. Every officer of the line should have a knowledge of the power of the musket and of artillery. It was easily attained, and officers of the line should be allowed to go to Woolwich for that purpose. Then, as regarded officers of the staff, he thought it was quite essential that they should be good topographical draughtsmen; able to draw with ease, accuracy, and rapidity. The more staff officers were educated the better; but in selecting men for the staff they must go beyond mere education, and have regard to physical considerations. They must be men of robust constitutions, able to endure fatigue and to "rough it" when not in quarters, for they were often not so comfortably placed as the officers of the line. The staff officer should also be a man of quick sight, a good horseman, and a good swordsman. He required to be a good swordsman, for he might not unfrequently have to defend himself with his single arm. A son of Lord Raglan, when in action in India, had to defend himself against five or six of the enemy, who surrounded him, and cut his way through them with his sword in safety, and his case was by no means singular. He thought it was of the greatest importance that the officers of the army should receive instructions of a practical kind, and that their military education should not be merely theoretical. A knowledge of modern languages, such as French and German, was of great consequence, and ought also to form part of the education of every officer; but he did not see that much benefit would accrue to the service from high classical or mathematical attainments in the officers.

General WINDHAM said, he understood the hon. and gallant Member for Westminster was in favour of competitive examinations, not only for officers of the staff and the special corps, but for commissions in the general service. But he thought that in giving commissions much more ought to be considered than mere education. He would suppose that two youths were brought to be examined—one brave, generous, good-humoured, full of good sense and zeal—in short, a fine fellow, and just the man they wanted for an officer, but, to complete the picture, somewhat idle, and therefore no great scholar; the other a young man of high attainments as a scholar, but possessing none of the qualities of the first. The instant these two men came before the Board of Examiners they would take the one that had been educated, and leave the other entirely out of the question.

Sir Frederick Smith

Now, surely the examination should extend a little beyond ascertaining the fact whether a man could speak French or not. He was convinced that these examinations were excellent in so far as discovering the intellectual qualifications of candidates, which would be of no avail unless the candidates were good men in other respects; and therefore he did not think examinations were the best means of getting the best men for the first admission into the service. With regard to the staff it would be very different. Officers wishing to qualify themselves for the staff would be known. Having been long in the service—perhaps seven years—there would exist the means of knowing what sort of men they were, and they could be put through a good stringent examination with advantage. He must honestly say that a stringent examination in the first instance, and subsequent encouragement to the officer to improve himself, would be the best plan. But he thought that there was a great deal more fuss about education in the army than was necessary. He had observed in the field that some of those who were possessed of great attainments turned out to be the worst officers. He firmly believed that the officers of the English army were quite as well educated as those of the French army, and that in the part of the service in which we were said to be most deficient — the staff — the deficiency was more owing to want of practice than to the want of education. Our staff was not well organized, and he thought the Government would act wisely if they copied the French system, which was established by one of their most eminent Generals, Gouvion St. Cyr, during the Empire. The proper plan would be to have a chief of the staff with efficient subordinates, but with undivided authority. In the Crimean campaign a great error was committed in having the Chief of the Staff and the Quartermaster General independent of each other. An independent Quartermaster General and an independent Chief of the Staff could not co-exist without injury to the service. He hoped the Government would give the Chief of the Staff proper officers attached to that staff, and not make arrangements of a mixed kind which were neither one thing nor another. But with regard to military education, one great advantage which he hoped would arise from it was, that it would lead the people of this country to a general system of military organization. This was not the time to discuss such a question, but he could not help saying that what we wanted was not such a general military organization as fitted the Continent, but such a rational system as became a free country. What we wanted was a regular militia, and reserves volunteering from that militia, which would form a constant source of supply of men for the army. Connected with this was the question of national defence and other considerations of great importance. If we were to go on as we had hitherto done, we must be always too late—for this reason, that the Government on an emergency had to come down to the House to ask for money to get men, when the men ought to be ready to their hands. They never asked for money until they were in pressing need of the men. No doubt there were many more difficulties in this subject, and many more things to be considered than appeared at first sight. For instance, there was the number of the militia to be taken into consideration, the manner in which it was to be raised, and its connection with the army—whether it should be in immediate connection, or, as at present, in semi-antagonism. Then, too, there was the question of the staff, of military education generally, and, above all, of the relation which ought to exist between the duties of the Minister of War and the Commander in Chief. The noble Lord at the head of the Government, of all men in the empire, was by his experience, his abilities, and his popularity, best fitted to carry out some rational system of military organization, and if he would undertake and complete that task, he would deserve the gratitude of the country.

SIR WILLIAM WILLIAMS could assure the gallant General the Member for Westminster that he was under a misapprehension in supposing that there was any favouritism shown in the examinations for commissions by which unfit persons were admitted into the service. The proportion of those who came forward and were rejected was between one-fourth and one-third of the whole number of candidates. He had sent a cousin of his own down to Sandhurst, not very long ago, to be examined for a commission, and, without wishing any favouritism to be shown to him, he wrote to Sir Harry Jones, asking him to give him that encouragement which a youth would stand in need of at such a time. In the evening, however, he had the mortification of getting a letter to tell him that his cousin had been rejected. He prepared himself again, and went up for re-examination; but, more through fear probably than want of attainments, he again failed. He had had under his command officers who had passed through Woolwich, and those who, owing to the exigencies of the service, had been admitted by competitive examination, without going through that institution, and, though the zeal and good conduct of these latter had been all above praise, yet, owing to the want of a military training, they were not equal to those who had passed through Woolwich;—they might have been fit for senior wranglers, but they had yet to learn to be soldiers. Those who had the charge of Woolwich laboured under the mistake of bringing the pupils in at too advanced an age, which had the effect of making most of the officers in the scientific corps old men before they could attain to high command. He was as strong an advocate of competitive examination in the line and in the two scientific corps as any one; but he hoped that the military authorities would continue to retain the right of nomination. It would be a very dangerous experiment for them to relinquish that right. He wished, too, to see a real *bonâ fide* staff corps established. When addressing the House on a former occasion on this subject, he had expressed his regret at the abolition of the old corps of draughtsmen and surveyors, by which step the army had been deprived of that which was necessary for its efficiency, and he hoped to see the day when those corps would be revived. The French had a beautiful staff corps, and their system ought to be adopted by us. The questions of promotion by purchase and military education were very intimately connected. Without purchase there would be favouritism and affection. He had seen more regiments of the line than most officers, and he had always remarked in what an extraordinary manner the system of purchase kept up the youthfulness of these regiments by constantly supplying young officers full of energy and fit to lead their men. In the scientific corps, where there was no purchase, the case was different. At forty years of age he himself was only a second captain in the Artillery. No doubt, under the purchase system, there was a certain amount of vexation experienced when one man purchased over another; but that was nothing to the heartburning which was occasioned when an officer was put over another on account of some pretended superiority of talent or intellectual attainments. Although, therefore, there might be some cases of hardship, he did not wish to see the system of purchase abolished. During the debate of the previous evening, the right hon. Gentleman the President of the Board of Control had spoken of the wants of that proper communication between the officer and the sepoy, which perhaps had occasioned a great deal of the misery we now deplored, and had asked how that evil could be remedied. The remedy which he (Sir W. Williams) would recommend would be, not to give a single commission in a Native regiment without a previous examination in the Indian languages—not to give a lieutenancy to an ensign until he had made considerable progress in the Native languages, and to give no man his company until he was a perfect master of the Hindostanee.

Mr. PALK said, he had hoped that the gallant General (Sir De Lacy Evans) would have taken a broader view of the subject, that he would have given the House the benefit of his great experience and practical knowledge, that he would have shown the evil of the present system of promotion both in the staff and in the line, and that he would have offered some suggestions for improving the organization of the army. He had expected the gallant General to have instanced the case of other professions, and to have shown that in them every one had to undergo a competitive examination at college or elsewhere. He had expected him to have drawn from those premises the fact that men of vast knowledge and great acquirements, who had attained the highest and proudest positions in the State, had risen from the humbler classes—affording in their own persons a proof that education would elicit the best attributes of man, and that it was not to birth alone that we could trust for a due performance of the duties that were required of us. The gallant General might have instanced the case of our own army, essentially aristocratic—much more so than any army on the Continent—in which few men had risen from the ranks to high positions. He had thought that the gallant officer would have referred to the gallantry of our officers—the steadiness and forbearance in times of difficulty of our men; and that he would have shown that that was owing to the aristocratic element which so strongly impregnated our armies, and which sent out young men proud of their name, of their family, and of their country, to gain fresh honours and add new laurels to our fame. He had thought that the gallant General might have gone on and have proposed, without bringing the two classes into collision, a test of education which should insure to all who passed an examination a commission in the army; and that he might have said that, great and glorious as the deeds of our army had been, the time had come when more liberal ideas were prevalent, and when it was essential for the benefit of the country that the organization of the army should be improved by more comprehensive and extended views. The first step towards such improvement would be to show to young men that energy and talent would insure advancement, and that, if they did their duty well and gallantly, and at the same time acquired those scientific attainments which were essential to their position, whether they had the good luck to be the friends of the Government or not, their talent and energy would be recognized, and their promotion would be as certain as if they were nephews of the Secretary of State for War. At present such unfortunately was not the case, as too many instances would prove. He held in his hand, for example, a letter signed by a gallant officer who had entered the army many years ago, and whose services, perhaps, had long been forgotten. That officer served seven years in the Artillery, and passed through all the courses of drill and practical instruction at Woolwich several times. In the spring of 1825 he accepted the offer of the Duke of York to volunteer into the line, on the promise that everything that could properly be done for the advancement of those who so volunteered should be done. He went through a long period of service. In 1831 he was appointed by Lord Clare assistant and secretary to the mission proceeding to Scinde. Having been upwards of sixteen years a subaltern he purchased his rank as captain, and at length, having embarked all his fortune in the service, and when it was too late to think of devoting himself to any other profession, he was compelled, for the sake of his family, to sell his commission. He then addressed a letter to Lord Panmure, from whom he received the following reply:—

"War-office, June 24.

"Sir,—I am directed by Lord Panmure to acknowledge the receipt of your letter, containing a statement of your past services, which he has perused with great interest; and in reply I am directed to state that, while Lord Panmure most sincerely sympathizes with you in your misfortunes, his Lordship deeply regrets it is not in his power to remedy complaints of such long standing, or to reverse acts which you have characterized in such strong language.

"I have the honour to be, &c.,
"J. CROOMES, Assistant-Secretary."

In that instance, therefore, because the complaints were of long standing, there was no remedy for that gallant officer. But the system which existed then existed still, and he would submit to the House another instance which happened very recently. It was the case of an officer who during the last war, possessing high military attainments, and being a first-rate linguist, distinguished himself in the field, but having no military interest, at last, with the greatest difficulty, succeeded in obtaining a staff appointment, and, proving himself highly efficient in organization and detail, was intrusted with a high responsibility, and to the command of a brigade, which he performed with the greatest credit, winning the universal approbation of those who bore witness to the extreme judgment and ability he displayed, and for which he received the highest testimonials. That officer was at this moment a subaltern in the army. He was brought up for the service, for which he was specially educated. He was a young man of great ability, and was rather an extraordinary linguist, for he spoke French, Spanish, German, Italian, Turkish and Russian, with a certain knowledge of Arabic, modern Greek, and Persian. After the fire at Varna, he was sent to Bulgaria to collect stores for the commissariat; and in consequence of his knowledge of the language and of his zeal, he, at a time when the army was in the greatest difficulties, sent down every day thirty waggon-loads of forage. He (Mr. Palk) was not permitted to go very much into the case, for the officer of whom he was speaking would be very much shocked if his name or services were made public; but he was satisfied that no officer ever distinguished himself more for personal gallantry than this young man. General Pennefather, in a testimonial to which he was permitted to refer, spoke highly of his services in connection with the Italian Legion; and yet, in spite of the services he had rendered in the Crimea, in spite of the approbation expressed with regard to his conduct, this young officer was at the present moment doing duty as a subaltern. He had been educated for the army, was skilled in all the various languages which a soldier might require to know, had distinguished himself as much as any man in the service, but he had neither political nor family interest; and it was to be feared that, like the gentleman whose case had previously been referred to, after faithfully serving his Queen and country, he might receive from the War Office, at the end of his days, such a letter as that of Lord Panmure's. It was for this reason that he (Mr. Palk), as one who had had the honour of holding a commission in Her Majesty's service, and as an independent Member of this House, wished to ask whether the army was in such a satisfactory state as would induce young men of talent and energy to seek for that advancement in it which, without interest, seemed denied to them? And yet this country required in the army men of the highest talent. It would no longer do to select officers from the small circle of those highly connected. It was necessary that our men and officers should be picked from the whole of the British nation. What he would suggest was, that in place of Resolutions which, after all, meant but little and carried but little weight with them, the hon. and gallant General (Sir De L. Evans), and others who like him had passed a long life in the service of their country, should bring forward some plan by which men who adopted the profession of arms might be assured that talent, industry, and perseverance would reap for them that reward which seemed at present only to be obtained by patronage. He had been favoured with a pamphlet which denied the statement often made that the army of this country had been ruined by the parsimony of the House of Commons. In this pamphlet the cost of the Austrian and the English armies were contrasted, by which it appeared that "for the outlay of £9,713,974 we kept on foot an effective force of 120,000 men, whereas this sum would have sufficed in Austria to pay and maintain 540,000 men on the peace establishment." He could not, therefore, quite give his adherence to the statement that the parsimony of the House of Commons had destroyed or injured the army. It had been the long mismanagement which had injured the army; and he thought that, if the matter could be investigated, it would be found that our system, as compared with that of foreign countries, was more expensive and by no means so efficient. What he contended was, that if they were going to change their system of promotion in the army, they ought not to proceed by Resolution, but to lay down some practical plan, and come to Parliament for the means to carry it out; for he did not think that small palliatives for evils, if they were evils, were worthy of this House or of the country.

Sir JOHN RAMSDEN said, that it was impossible not to agree with the spirit of the observations addressed to the House by the hon. and gallant Member for Westminster. The opinion that sufficient attention had not been paid to the education of the officers of the army was universally entertained; and to use the words of the hon. and gallant Member's Resolution, he (Sir J. Ramsden) quite concurred with him in thinking "that a higher standard of professional instruction, and more complete provision for it than hitherto had been deemed requisite, ought to be established for the commissioned ranks of the army, but especially for the staff." On that point, indeed, there was, he conceived, no difference of opinion. To effect that object was a duty which they owed to the country, whose interests depended so largely upon the efficiency of its army—to the soldiers, whose gallantry and self-devotion entitled them to have for their commanders the ablest and best men that could be found; and to the officers themselves, who, in every heroic and glorious attribute which could adorn the character of a soldier, had equalled, if they had not surpassed, those of every other nation. [Hear, hear!] Government were aware of the arduous nature of the task that devolved upon them, and accepted the responsibility of making the necessary provision. To this end they had been for some time engaged in the preparation of a scheme of military education, which they trusted, when it was submitted to Parliament, would receive the approbation of the House, and meet the exigencies of the case. On a previous occasion he had stated, in reply to a question, that it was intended to establish a Council of Military Education. The first duty that Council would have to perform would be to arrange a scheme of examination to be gone through by the gentlemen nominated by the Commander in Chief, as candidates for first Commissions; secondly, it would have to arrange the course of examination to be undergone by officers after receiving their appointment, as the test of qualification for promotion; and, thirdly, to determine the qualifications which should be required as the test of eligibility for appointments on the Staff. Their Report on the first subject had been prepared, and he was sorry it had not been in his power to lay it on the table of the House before this discussion took place; but it would be in the hands of Members in the course of the following day. He would, however, proceed to state its general recommendations. In the first place, it was proposed that all candidates nominated by the Commander in Chief should undergo an examination before they were appointed. That was in fact the present system; but it was proposed to make that examination much more severe than it now was. It was proposed that the examinations should be held quarterly, in London, under the direction of the Council of Military Education, and conducted by military and civil examiners, who were to be recommended annually by the Council to the Commander in Chief, who would make the appointments subject to the concurrence of the Secretary of State. To this annual appointment of the examiners he attached great value, as affording the best guarantee against any lowering of the standard of requirements which might be apprehended if the examinations were conducted by a permanent body of examiners. The new system it was intended should come into operation in January, 1858. There would be also an examination by a medical board as to the physical qualifications of the candidates for the service, and a certificate would have to be produced, signed by a minister of religion of the denomination to which the candidate might belong, stating that he had been properly instructed in the principles of religion; and also a certificate as to his general moral conduct during the two preceding years. The subjects of the examination would be divided into two classes — compulsory and optional. The compulsory class would include arithmetic, algebra, up to simple equations, the first four books of Euclid, a considerable knowledge of French, English composition, English history, and geography. The examination on these subjects would be compulsory, but they did not include the whole of the subjects of the examination. The candidate would be required to take up, in addition, a certain number of the optional subjects, which would, however, within the limits specified in the Report, be left to his own discretion.

The optional subjects would include the classical languages and the higher branches of mathematics, some modern language in addition to French, a more extended knowledge of geography, physical and experimental science, and a knowledge of drawing: a certain number of these branches the candidate would be required to take up in addition to the compulsory subjects: It would be observed that, in this scheme, no provision was made for requiring knowledge of a purely professional character. The Government were of opinion—and in this opinion they were supported by the highest authorities both in this country and on the Continent—that a good general liberal education was the best foundation for instruction in the professional duties of an officer. Another reason against insisting upon professional knowledge among candidates for first commissions, was, the importance which the Government attached to attracting to the army the largest number of young men educated at the great public schools. They were of opinion that the education given at the public schools of this country was—not only in an intellectual point of view, but also in the habits of discipline and subordination, in the healthy and manly tone of feeling which it encouraged—the best preparation for a military career. There was also a further consideration which weighed with them in abstaining from requiring any professional knowledge at the entrance examination, and that was a regard for the interests of the candidates themselves. Among the number who would undergo this examination, it was impossible that all should succeed; and, if professional knowledge were to be required, those who failed in the examination would suffer hardship, inasmuch as the time they had devoted to the acquirement of purely military science would have been thrown away if they were compelled afterwards to resort to any other profession. On these grounds it was not considered desirable, either for the interests of the candidate or for the efficiency of the service, that anything more than a sound general education should be required as the test of fitness for appointment to a first commission. There was one point in the gallant General's resolution with which the Government could not concur, namely, that the principle of competition should be introduced into the examination for direct commissions. They considered that these appointments should be subject to a standard rather than a competitive examination; but, at the same time, that effectual precautions should be taken to ensure the maintenance of the standard now to be established. As regards the examinations for the staff, they entirely agreed with the gallant General. He (Sir J. Ramsden) was not, as yet, in a position to state in detail the intentions of the Government on this subject; but this much had been decided—that a staff college was to be established, to which admission was to be gained by competitive examination, and that, at the termination of the course of study there, another competitive examination would be held, when the certificates which were to constitute the qualification for employment on the staff would be obtained. The gallant General wished to preserve the present system of admission to the Ordnance corps, which had been introduced by his noble Friend at the head of the War Department. On this point no conclusion had, as yet, been arrived at; but a plan was under the consideration of the Government for the amalgamation of Sandhurst and Woolwich into one military college, where all the preliminary military education of the country would be given. It was proposed that, after a certain time passed in this college, the pupils should be subjected to a competitive examination, and that admission to the Ordnance corps should be given in the order in which that examination was passed. It was also proposed that a certain number of free commissions in the line should be set apart for the students at this college, and that those who passed the final examination with the greatest success should be allowed the privilege of choosing a commission in whichever branch of the service they might prefer. It was therefore hoped that a certain proportion of the most promising cadets would be induced to choose commissions in the line, as well as in the Ordnance corps, and that by this means the best men would be distributed through all arms of the service alike. This part of the scheme was, however, not as yet matured, and he was, therefore, unable to state with any certainty what would be its provisions. The Government most fully concurred with the hon. and gallant Member for Westminster in his recommendations *that* "assured encouragements" should be given "for proficiency and general fitness for advancement," and they looked to the system of competitive examinations which it was proposed to apply to the certificates of qualification for the staff, as the means of giving effect to this recommendation. The hon. and gallant Officer's fifth recommendation, that a Council of Military Education should be established, had already been adopted. After mature consideration, however, it had been determined that it should be composed exclusively of military members, and not of "military and civilian members," as recommended by the hon. and gallant Officer. It was thought better to look for the counterpoise to the exclusively military character of the Council in the appointment of civilians and military men together, to conduct the examinations. Though the Commander in Chief was *ex officio* President of the Council, he believed it was not his intention to take part in its deliberations; but the military education of officers of the army would be under his control, and the Council would report to him, so that everything relating to the Council would pass through his hands in the first instance, and would be submitted by him to the Minister for War. He could not say that the plan of the Government entirely agreed with that of the gallant Officer; but, although there might be a difference upon minor points, yet the gallant General would see that the Government were acting in the same spirit with himself, and he therefore hoped that he would not press upon the House the adoption of a Resolution, the effect of which would be to tie the hands of the Government, and to interfere with that freedom of action which it was indispensable they should possess, in order to enable them to carry out a comprehensive scheme on a subject of such great importance. Next Session the House would be in a position to consider the whole plan in all its details.

Colonel NORTH said, he was extremely glad to find from the statement of his hon. Friend that the examination of candidates for commissions in the army was to be removed to London. He had himself endeavoured to raise that question before the Committee of investigation into the state of the army, and the answer which he had received was of the most futile character. The fact was, that at those Sandhurst examinations many of the candidates were "plucked" from sheer fright. The examination comprised a vast variety of subjects, but the whole were crowded into one day's examination between the hours of ten and four. Now, instead of only one day, two days ought to be allotted to the examination. As regarded the new scheme of examination on entry into the army, he must express his conviction that it was calculated to deprive the service of a great number of very fine young men. Many a gallant fellow might not be able to master the four books of Euclid who was the fittest to lead men into action. He had no objection to officers being examined, but he was afraid they were about to make the examinations too high. With regard to the staff, he thought sufficient notice was not taken of the different duties of staff officers, according as they were attached to the Quartermaster General's or the Adjutant General's staff. Perhaps he might be here permitted to direct the attention of the noble Lord at the head of the Government to the condition of the militia. Undoubtedly the militia had been allowed to all but disappear. It was now five years since they had been embodied, and who did not remember the difficulties that had to be encountered in doing so? At present the militia could only be said to exist on paper; for as to their period of annual training, after deducting the time necessary for distributing their accoutrements and collecting them again, distributing them in billets, wet days and Sundays, and other deductions, their drill was in fact reduced to five or six days. A man could not be made a good and efficient soldier under a year or a year and a half's drill, and now that the country was being drained of its soldiers, it was most important to pay attention to the militia, and to make them as efficient a body as possible. It was really scattering money to the winds to persevere in the present system.

Lord STANLEY said, he thought that the Under Secretary for war (Sir John Ramsden) had drawn a very wise and proper distinction between the qualifications which it was desirable that a person should possess for admission into the army and those which should entitle him to be placed upon the staff. He quite concurred in the opinion that there were many men who possessed but very little book-learning or very little capacity for acquiring it, who, although they might not in consequence be fitted to hold high commands, yet would be found in a subordicate position admirably adapted to lead a forlorn hope or to head a charge in the field. But although he, upon that account, deemed it inexpedient that competition should be made the only means of obtaining admission into the army, he was prepared to maintain that it was highly desirable that a certain proportion of those commissions which happened to be at the disposal of the Government should be open to competition on the part of the community at large. He was also of opinion that, as at the Universities, scholarships and exhibitions were granted partly as marks of merit, partly as substantial incentives to industry, so it would be possible at a very small cost to the country to devise a system of military prizes which should be dispensed to the youths at our military colleges. There was another point to which, although it did not come within the terms of the Resolution of the hon. and gallant Member for Westminster, he might be allowed briefly to advert. The House was aware that in the navy it was the practice to establish a comparatively slight test of capacity in the case of an officer upon entrance, but to compel him to undergo a most severe examination some four or five years later, when he was about to be raised to the rank of lieutenant. Now, that he must confess he regarded as a plan most superior to the system which would make the efficiency of an officer depend entirely upon the acquirements which he happened to possess when he first obtained his commission. The knowledge to which a young man of the age of sixteen or seventeen might have attained was influenced quite as much by the circumstances of his position as by his personal character or capacity; but the knowledge of the same person at the age of twenty or twenty-one would depend in a great measure upon the use which he had made of his time, and upon his disposition to be industrious. He was, under these circumstances, strongly of opinion that it would be most advisable not to lead young men to believe that their education was finished the moment they entered the army, but, on the contrary, the necessity of acquiring further information as a means of contributing to their promotion at a subsequent period should be impressed upon their minds; and he thought that means might be devised whereby, in the absence of actual service, they might display their proficiency, even though it were only theoretical. Those various questions—namely, the establishment of a sufficient excluding test for unfit persons in the case of the first commission, the throwing open a certain number of commissions to competition, the granting of pecuniary rewards to those who might be found deserving of the distinction, and the institution of a separate examination for those officers who were about to be raised to the rank of captains or lieutenants—embraced, he believed, all the educational means which, without resorting to pedantic strictness, could well be applied to the promotion of professional knowledge in the army at large. With respect to the staff the case was, in his opinion, of a character somewhat different, and he could not help expressing his satisfaction at the statement which had been made by the hon. Gentleman the Under Secretary for War, to the effect that the new training colleges for the members of the staff were intended to be based upon the competitive principle, both with respect to the first admission to them and in regard to the honours and distinctions which might be subsequently attained. The objections which he had heard urged against the adoption of such a competitive system were, in the first place, that in consequence of the way in which our troops were scattered all over the world, it could not be carried into execution; and, in the second place, that, even if it could be carried into execution, it was a scheme to which it was undesirable to have recourse. It was not necessary to enter into the first question at present: at any rate there could be no difficulty with respect to those officers who were at home. And even in reference to those quartered at a distance, it must be borne in mind that the method of conducting examinations by printed papers of questions rendered local proximity or distance a matter of little importance. But when it was said that the system was not desirable, inasmuch as that whatever test of the intellectual advantages of a candidate it might afford, it presented no proof of his moral or physical qualifications, he must say that his opinion was that the competitive test, if fairly applied, afforded a much better proof of the moral than even of the intellectual qualifications of the candidate. Judging, for instance, from the analogy presented by the acquisition of academic honours, he did not believe that ability was the main requisite for success. A far more essential possession was industry, which was generally found to be the accompaniment in youth of a good moral character. He believed that a far greater number got on who possessed industry without talent, than those who had talent without industry. He might add, that the danger that men possessing great intellectual powers, but who were physically unfit for military service, might in great numbers obtain commissions under the operation of such a competitive system was not one which it was probable would prevail to any great extent, inasmuch as, practically speaking, it would be found that men who were physically feeble would not enter the army, for the simple reason that they would have a much greater chance of success in some other profession. Taking men and things as they were, it appeared to him that competition furnished, at all events, a better test of a man's efficiency for the military service than either wealth, or political connection, or mere seniority, or promotion obtained through the influence of favour. To those who might object that there was something dangerous and democratic in the system, he would answer that there was no man who was not desirous of excluding from the higher ranks of the profession those who were inefficient and unequal to their duty, and there was no means of excluding them, so efficient and so little invidious, as saying that there was an educational test provided, which if a man could not pass he was not entitled to promotion. He would only add that the subject was one which they were that evening discussing upon imperfect information. When the Report of the Commission which was now sitting upon the question of education and purchase in the army was laid before them, they would be in a better position to come to a conclusion with reference to the important topic of military promotion. Meantime he should content himself with the expression of his approval of the measures which the Government proposed to adopt, being, so far as he was able to judge, to use a common expression, a step in the right direction.

Mr. SIDNEY HERBERT: I am indebted to the House to so great an extent for the indulgence which, when I addressed it upon this subject upon previous occasions, I received at the hands of its Members, that I will endeavour to prove my gratitude for their past kindness by now trespassing on their attention for as short a time as possible. It is, I think, of importance that we should this evening begin by taking stock of our agreements and disagreements with respect to the question under our notice. My hon. and gallant Friend the Member for Norfolk (General Windham) seems to object to a scheme of competitive examination for commissions in the line, and I concur with him so far as to deem it desirable that we should wait to see the result of the system of competition in the case of the Ordnance corps before we give a decided opinion with respect to the expediency of adopting it in reference to first commissions in the line. There appears to me, I confess, this difficulty with regard to the establishment of competitive examinations for those commissions—namely, that the qualifications necessary to constitute a good officer cannot always be made the subject of educational test. So far as intellectual qualities are concerned, you can ascertain them by that test; but if you admit a competitive examination, and no other test, men may enter the army who have no qualification beyond what that examination proves them to possess. I confess I rather agree with the view of those who are against a competitive examination only, unless you extend it not only to intellectual, but to moral and physical qualities—unless you ascertain what a man's strength is with the gloves on or at single-stick; or you put him into a field surrounded by four stiff Leicestershire fences and see how he gets out of it. These points are not immaterial in the selection of good officers, though they are not tests usually applied by examiners. I think, however, that too restricted an application of the rule in the case of first commissions, might deprive the service of many valuable officers. My hon. and gallant Friend (General Windham) has put the case of two candidates for a commission in the line—the one a generous, liberal, fine fellow, who has been rather idle with regard to his studies, and the other a learned bookworm, whose eyes are worn out with reading, who is a bad horseman, and who is altogether unfit for the active duties of a soldier's life. I do not want, however, to substitute the bookworm for the fine fellow, but to get hold of the fine fellow, and to take care that he knows his duties thoroughly. Under the present system you may have the bookworm—the man physically inefficient, and you constantly have him. As to the fine fellow, I agree in the opinion of Sir Charles Napier, who says there is no officer in the world like the English gentleman—I do not mean in the sense in which that term is sometimes used, applying only to the landed gentry, but a man of liberal education, who possesses the advantages which result from such an education. In this sense, looking to the constitution of the English army, I think gentlemen will always make the best officers. An hon. and gallant Officer (Colonel North) has expressed a fear lest you should establish too high a standard of examination; but why have too high a standard of examination? I think the danger is the other way. Standards of examination are not apt to rise; on the contrary, they have a great tendency to fall: and if you insist upon men otherwise competent to be officers passing through an examination for their first commissions, I do not think there is any danger of the standard being placed too high. I do not give any opinion on the subject of competition for entrance into the Ordnance corps. You have, I believe, the same class of men as you had before—neither better nor worse. I know it is not a popular doctrine that it is of any importance that the army should be officered by gentlemen, but I hold that it is so. I will tell you why I entertain that opinion. Our object ought to be to get that class of men who will make the best officers. Prove to me that peasants, who form the rank and file of the army, will make the best officers, and I say "Let all your officers be peasants." I think, however, that in dealing with a question of this kind you ought not to consider the interests of any class, but your object ought to be to obtain men who can most efficiently discharge the duties they are required to perform. England is a nation essentially not military with regard to its interior habits and organization. The habit of military organization is foreign to its people. As the most complete discipline and thorough obedience are necessary to the efficiency of an army, you cannot afford to throw away any element which will secure those objects; and one of the main elements in the spirit of obedience in our army is, that the peasantry, from whom the private soldier is drawn, has a natural tendency to follow the lead of the gentlemen from whose class the officer is drawn. That is my only reason for entertaining the opinion I have expressed. You cannot persuade men that in other professions it is a disadvantage to be a gentleman, and, indeed, the common sense of mankind leads to a contrary conclusion. The hon. Gentleman opposite (Mr. Palk) says he does not see how a system of army education can be carried to any height compatably with the system of purchase. I do not see any such difficulty. Whether a man rises by seniority aided by purchase, whether by seniority without purchase, or whether by selection, I do not understand why you cannot have a standard of examination which will secure that a man, however he has obtained his promotion, is fit to discharge the duties of his position. There are one or two other points upon which I may be allowed to say a few words. I have heard it said that a sore feeling has been produced in the army by the statements that have been made by civilians with respect to the conduct of general officers commanding in the field, and that the movement for increased education in the army is regarded by them as a slur. I think the latter idea is unfounded, but I also think that the civilians of this country have judged officers in high command with great unfairness. The traditions of our youth are formed upon the successes of one of the most remarkable men England ever produced, and we are disposed to complain that every officer sent in command of an expedition does not possess the genius of the Duke of Wellington. Now, how many great generals has England produced? Why, you may count them on your fingers. Take Cromwell, Marlborough, Peterborough, if you will, and Wellington; but when you go further you will find yourselves in another class, and it cannot be expected that every man in command of an army should not only exhibit the capacity, but should possess the experience, of a Wellington, or a Marlborough. So far then we have judged very unfairly. But I maintain that the army may retort upon civilians, and may say, "Here we have had a war conducted during three or four years and you cannot point out one civilian who has shown any great aptitude or genius for directing the operations of the war." I have always felt that the most important question in connection with this subject is the mode of admission to the staff. A gallant officer who sits near me (General Windham) has recommended that we should copy the French system. I confess that I am very much afraid of adopting any plan which is merely a copy of the system of other countries, irrespective of the peculiar qualities and habits of the British army; and, looking to the constitution of our army as contrasted with the French, I do not believe that the French system of a separate staff corps rising by promotion within that corps, and never going back to regimental duty, would be suitable to the British army. It would create a separate caste, which would be regarded with the greatest jealousy, and I believe the best feature of our system is, that the staff officer when not employed on the staff goes back to his ordinary duties and mixes with the regimental officers. I am not prepared to give an opinion as to the principle of a competitive examination for first commissions, but I can see no objection to the competition for staff appointments, or for admission into the staff school. The idea is not a new one, for it was successfully carried out during the Peninsular war, and I should like to see such a school re-established. I proposed last year that those officers who most distinguished themselves in examinations for promotion should compete for admission into the staff schools; and I think I understood that it is now the intention of Her Majesty's Government to establish an examination for the staff. I understand the arrangement proposed by the General Order, that any officer nominated to the staff should be required to submit to examination by three officers appointed by the Horse Guards, is to be abandoned. I fear such an examination would come down to the candidate, and would not attempt to establish a standard to which he should rise. I consider that you ought to have a permanent body of examiners, who would subject all candidates to an equal test, and would be competent to ascertain whether the attainments of candidates were the result of cramming, or of careful study, and a well-regulated system of application. I think, also, that the education of the staff should include aides-de-camp. They are required to discharge most important duties, and very high responsibility frequently attaches to them. It is said that they are only "the two-penny postmen of the army;" but if this description is accurate, on what principle is it that they take superior position, and receive increased pay? Although it is not their duty to direct operations, but to convey orders, circumstances may change before they arrive at the point to which they are despatched, and they may be called upon to exercise considerable discretion. If they are only to be bearers of messages that duty might be as well performed by an orderly of dragoons. They are usually in personal attendance on the officers in command, and they are sure to be mentioned in despatches and to obtain promotion, for the generals to whom they are attached naturally speak of duties which are performed under their own eyes. I do not say that a general officer may not be allowed to choose his own personal staff, but he should be limited in his choice to those persons who are on the list as having qualified themselves for those duties which they will be called upon to perform. I beg pardon of the House for detaining them upon these points, but what I want to see is, that the examination for the staff should be made as practical as it is possible to make it. I see from the Report of the Commission appointed to inquire into the military education in foreign countries, that in Austria the examination is not only one of intellect, but that personal and physical qualities are taken into consideration. I know that we shall find it very difficult, but we must attempt it if we wish to arrive at any practical result. I cannot sit down without mentioning the name of one gentleman who more than any one else has been instrumental in bringing this question forward—I mean Mr. Gleig, the chaplain general. That gentleman has been one of the principal motive powers in stirring up this question at the War Office; and when I had the honour of being connected with that department I derived the greatest possible benefit from his advice and assistance, and I have the greatest pleasure now in giving him the credit which he deserves. I regret, I must say, the delay which has taken place in dealing with this question. During the last year that I had the honour of being Secretary at War, I laid upon the table a plan very much like the one which has now been laid before us, and which I hope will be carried out. The late House of Commons received the plan which I proposed with great indulgence, and, what was more to the purpose, they voted the money for carrying it out; but neither last year nor this year have I seen anything about the matter in the Estimates. I am willing, however, to exercise patience, and I hope that next year the hon. Baronet (Sir J. Ramsden) will be prepared to ask for a Vote to carry out a plan which will be satisfactory to the country and advantageous to the efficiency of the service.

MAJOR WARBURTON wished, as a member of one of the instructed corps of the service, which had hitherto received little encouragement, to express the gratification which he had felt at the announcement made that evening by the hon. Baronet the Under Secretary for War. That announcement would give new life and energy to many an unfriended man in the army, who would now see a fair field open for the development of his abilities, inasmuch as those valuable appointments which had hitherto been open only to persons who possessed interest and connection would now be open to all. It was of the greatest importance that the staff college should be open to members of the instructed corps of the service. In the case of the Ordnance corps the system of competition had hitherto proved most successful, and that system would, he hoped, be fully carried out to its utmost extent.

GENERAL CODRINGTON said, he did not think that competitive examination for a first commission was advisable, as to establish that principle might shut out from the army that particular class of men who made the best soldiers, and run the chance of getting men into the army who were not suited for the service. As regarded the particular education for the staff, he did not quite understand the extent to which it was proposed to be carried, and he did not think that it would be worth while at present to enter into any details upon the subject. The general principle appeared to be admitted that there should be a competition among officers of the line for admission into the staff college. Now, this difficulty would arise with regard to the staff. Was the staff to be a distinct staff corps for England, or were officers to be taken from their regiments out of the country? If officers of a regiment on service in India or the colonies were allowed to come home to be examined for staff appointments the effect would be detrimental to the efficiency of the service; and if they were not allowed to come home, then how could the best men throughout the service be chosen by competitive examination? There were one or two points in the Resolution of the gallant General to which he was not disposed to give his concurrence, and one was that part of the Resolution which referred to the appointment of a Council of military education. As he understood the gallant General, his proposal was that the Council should be especially under the Secretary for War acting independently of the Commander in Chief, and that its duties should be to examine persons for the staff, taking away from their regiment for that purpose officers on full pay. He did not think that it was advisable even in matters of a civil nature that the Secretary for War should be able to interfere with the responsibility of the Commander in Chief for the education and efficiency of the officers of the army by taking them from their regiments. The result would be a divided authority, and experience had already shown the danger of such a division. The establishment of a staff college would cost a very large sum of money, and he hoped that hon. Members who were so anxious for the establishment of that system would not hesitate when they were asked to pay the bill. In Austria, he believed, where such a system existed, the annual cost was about £148,000, and the amount required would be a serious question to discuss in considering the Estimate which might be presented to Parliament. No one doubted the advantage of giving an officer as good an education as was possible—education never did any one any harm—but it was very difficult to fix the standard, and the House would remember that many men might reach that standard without any of those other qualities which in the army were particularly required. Mention had been made of the appointment of a chief of the staff, and he would therefore briefly refer to the subject. The appointment of a chief of the staff was an imitation of the French system, and in the French army the principle was carried to an extreme degree. Not only was there a chief of the staff of the army generally, but every general of division had his chief of the staff. Now, he did not see why a general of division should not be his own chief of the staff and communicate directly with his own quartermaster general and adjutant general. He would only add that he was glad to find that the general subject had excited the attention of the Government. The education of the officers was the great point to attain; but he hoped that it would not be carried to such an exclusive degree as to lead to the idea that the practical part of the profession of an officer, which, after all, was the main thing to keep in view, was to be subordinated to general education.

COLONEL SYKES begged to state, as an old soldier, that the object to be attained in the education of an officer was, that he should be competent for the work to which he was to be put. This object required qualifications of a professional character and did not depend upon the usual school or college instruction; and, therefore, the aim and object of his education should be professional acquirement and fitness for his work, and not that he should become a literary coxcomb. The prescribed examination, above all things, should be *bonâ fide*, for otherwise it would be a mockery and a delusion. Having passed that examination—not for literary acquirements, but for professional knowledge—a man entered the army, and the hon. and gallant Member (Sir De L. Evans) proposed that there should afterwards be a competitive examination previous to entering upon the staff. He (Colonel Sykes) thought that a desirable arrangement, because hitherto promotion to the staff, as was well known, had depended chiefly on family or personal interest, or both, and not upon the qualifications of the individual concerned. At the same time he thought such an examination should be general as to place, and not exclusively confined to aspirants in any particular locality. It was only fair that officers serving with regiments in the Colonies and other parts of the world should have equal opportunities afforded them with those at home, of submitting themselves to such examinations. In India they had a system of examination somewhat analogous to the one proposed. No officer could hold a staff appointment until he had passed an examination, not merely as a colloquial linguist, but as an interpreter, and there were standing committees appointed in different parts of the country before which candidates must appear to undergo such an examination before they could do staff duty or serve in any detached employment; and for this purpose the officer obtained leave of absence for a few months. Similar Committees might be appointed in the Royal Army. It was not absolutely necessary that an individual should go into a college to learn the duties of a staff officer. Strategy, castrametation, and various other branches of practical knowledge could be obtained without going into a college for the express purpose of acquiring them. He entirely concurred in the suggestion that it was impolitic that there should be an indiscriminate competitive examination before entering the army at all; but, at the same time, he thought it desirable that a certain number of commissions should from time to time be given as prizes to persons who wished to enter the army, and who were willing to compete for them. The plan had been found to work well in the Royal artillery and in the East India Company's service, and several of the Directors had placed commissions in the Indian army at the disposal of schools and colleges, and these had been gained by young men, who had proved an honour to the service.

LORD ALFRED CHURCHILL said, he perfectly concurred in all that had been said with respect to the high standard to be required of officers in the army. An officer should be above all things a gentleman, if the men serving under him were to be expected to look up to him, and cheerfully and implicitly to carry out his orders on all occasions. He would do all in his power to forward the interests of able and deserving men among the non-commissioned officers desirous of rising in their profession, but he thought, as a class, they were not generally fitted for commissions, and that, if they were taken out of their natural sphere the men in the ranks would not look up to them in the same way they did to officers of a superior grade by birth and education. He thought, also, it would be desirable to offer a certain number of commissions from time to time for competition in our great public schools, which would give an impetus to a well-educated class of young men to enter the army who might otherwise experience some difficulty in obtaining a commission. It would not then be simply the aristocratic class who would get commissions, but also men who had earned them by their own ability and exertions. It was not, however, only the able mathematician or the skilful constructor of fortifications that made a man a good officer. To be thoroughly efficient in his profession he must also have a liberal education, and, as the late Sir Charles Napier had observed, the best officer, after all, was the English country gentleman.

VISCOUNT PALMERSTON: Sir, I am sure my hon. and gallant Friend (Sir De Lacy Evans) must be well satisfied with the interesting discussion which his Resolution has elicited. The matter is one of the highest interest to the country, and those Gentlemen who have expressed their opinions in the course of the discussion are all men who appear by their professional pursuits, or by the attention they have devoted to this interesting topic, to be highly competent to arrive at a sound conclusion in reference to it. Upon the general necessity—I will not lower it so far as to call it the expediency—of securing a good education to the officers in the army, I think everybody who has thought for a moment on the subject must be only of one opinion. There is this, however, to be considered, that any examination into merely intellectual attainments can afford you but an imperfect standard as to the qualifications of an individual for military employment. There are three requisites for making a good officer. There is, first of all, general intelligence, and that ordinary education which a gentleman is supposed to have obtained; next, there is proficiency in his military and professional knowlédge—in those matters which are thoroughly military, and which do not belong to a general literary education; and above all, in the third place, there are those constitutional qualities which are eminently and beyond all others important in the composition of an officer. Undoubtedly my right hon. Friend the Member for South Wiltshire (Mr. S. Herbert) has observed how few great generals the history of this country has recorded. He might have generalized that observation and extended it to the whole civilized world; for that combination of constitutional qualities, of military attainments, and of general knowledge, which united make a great military leader, is perhaps one of the rarest things you can find in the whole range of human nature; and accordingly there are fewer men recorded in history who have been great generals than those who have excelled in any other department of human pursuits. The first examination of a young man who is to enter the army ought to be a standard test to show that he has received the liberal education of a gentleman, and that he is possessed of mental and natural qualities which indicate that he is a young man of capacity and industry, and likely to excel in advancing himself in the knowledge of his profession. I think it most essential and wise to propose that the first examination shall not apply to purely military attainments. A young man at the age at which candidates are examined for entrance into the army will have employed his time to sufficient purpose if he have attained a requisite knowledge of those general branches of education with which young men ought to be acquainted. When he has received his commission, and after he has been a certain time in his regiment, his commanding officer has an opportunity of seeing whether he possesses those other constitutional qualities which fit him to rise and to distinguish himself in his profession. The competitive examination for the staff seems to meet the general approbation of the House. With regard to the strictness of the examination, I quite agree with the right hon. Gentleman the Member for Wiltshire, there is always in a standard examination some danger that it will fall too low. I think, however, the arrangements intended to be made, by which it is proposed that the examinations shall be conducted by examiners periodically changed, not belonging to any official establishment, and partly civilians and partly military men, will sufficiently secure that the examination shall not fall below the point to which it ought to be reduced. There is in a system of competitive examination, on the other hand, the danger of going too high; and I must submit that in many examinations not excluding the Universities and other systems, the examiners, from the natural feeling that what every man does should be done as well as possible, place a little too high the standard to which they subject the competition of candidates. More especially, I should say, with regard to mathematics, there are limits beyond which no practical advantage is gained in straining the mind in attaining abstract knowledge, for which in after life there is no immediate or practical use. Therefore, a great deal of discretion is required in persons who examine, to see that the examination turns upon matters which will be useful in the line which the young man who is examined is intended to follow, and that he is not taxed beyond the useful amount which he may be expected to attain. The result, if examinations are carried too far, no doubt is, that you are apt to get a young man who is endowed with a very retentive memory, and sometimes to lose a young man whose intellectual resources and whose promptitude and readiness in action would make him the more useful in the military service; you get a man whose mind is an accomplished dictionary, instead of a man whose mind is created for energy and action; but it is practical men who are required for the army. In the devising a system applicable to military education, the first part is completed, and, as my hon. Friend the Under Secretary of State for the War Department has said, will be immediately laid on the table of the House. The remaining portions are under consideration, and will, no doubt, be prepared with the same views with which the portion already prepared has been completed. The Resolution of my hon. and gallant Friend seems to me to be a little too much in the affirmation of points still under consideration. I am quite prepared to agree to the main principles upon which the Resolution is founded. But at the same time, when he sees that the Council to whom the matter has been referred by Her Majesty's Government are still considering many of the points on which his Resolution touches, I would submit to my hon. and gallant Friend whether he may not either be satisfied with the discussion which his Motion has brought about, leave the matter to be considered by the Government in connection with the Council, waiting to see what they may propose next Session as the result of their deliberations; or, if my hon. and gallant Friend feels that this is a matter of such importance that it would be desirable the House should, with him, record an opinion on the general subject of his Resolution, he might, by some modification of that Resolution, secure our assent to its general principles without tying the Government to details. By adopting this latter course he would, while strengthening the hands of the Government, not tie them up. I leave it to him to consider which of those alternatives it may be the more advisable for him to adopt; but I can assure him that the Government have at heart the same object to which he has so ably, and with such honour to himself, directed the attention of the House; and this being so, there can be, I should say, no difficulty in our arriving at the adoption of a system that will secure the end which we all desire to see accomplished.

Sir DE LACY EVANS said, he was very much gratified with the way in which the noble Lord at the head of the Government had met his proposition; and, so far as he could judge from the statements of the noble Lord and the Under Secretary of War, some of the points adopted by the Government were identical with those which he (Sir De Lacy Evans) had ventured to put forward. He was content to leave the details of a system of education to be dealt with by the Council and the Government in the first instance. He had no intention of proposing an unqualified competitive system for the whole body of officers, infantry and cavalry. He merely wished for an infusion of the competitive system, and he believed the Government were disposed to adopt it with regard to some portion of the officers of the line. In order to meet the views of the noble Lord, he would amend his Resolution by omitting the last passage, which proposed a particular plan, and in this shape he thought it would meet the wishes of the noble Lord and of the House.

Viscount Palmerston

Motion *agreed to.*

Resolved,

"That, in the opinion of this House, a higher standard of professional instruction, and more complete provision for it than hitherto deemed requisite, ought to be established for the Commissioned Ranks of the Army, but especially for the Staff; that this will be best promoted by recourse to competitive examination of Officers desiring to qualify themselves for the Staff, and by assured encouragements for proficiency and general fitness for advancement."

GALWAY WRIT.

WRIT REFUSED.—ADDRESS FOR INQUIRY.

Colonel FRENCH rose, pursuant to notice, to move that a new writ be issued for the election of a burgess to serve for the county of the town of Galway, in the room of Anthony Flaherty, Esq., whose election had been declared void. In obedience to the decision of the Speaker, he had not placed his notice where, according to ancient usage, he thought that he was entitled to place it; but the Speaker having decided that where notice was given it could only come on in its turn, he had placed his notice accordingly. He trusted that between this and the re-assembling of Parliament the Speaker would reconsider this decision, because, if the constitution of that House was not a matter of privilege, he did not see what could be considered as coming within that description. When he first brought the matter before the House he did not anticipate any opposition to his Motion. The Committee by which the petition respecting the Galway election was tried made no report as to the necessity of withholding the writ, nor did any member of it give notice of his intention to move that it should be suspended; on the contrary, his notice was upon the paper four days before the Chairman of the Committee moved that the evidence should be laid before the House. The evidence had now been printed, and had been for a considerable time in the hands of hon. Members. He had read it attentively, and it appeared to him that it furnished no grounds for the Resolution of which the hon. Gentleman the late Chairman of the Galway Election Committee (Mr. G. Clive) had given notice. He had always doubted whether that House had a constitutional power to suspend writs and keep constituencies unrepresented, and certainly if it had such a power, it was one which ought to be exercised with the greatest caution and only in extreme cases. That Parliament was extremely anxious that the number of its Members should always be maintained was shown by the fact that power was given to the Speaker, under certain regulations, to issue his writ for filling up vacancies which occurred when that House was not sitting. Although at present such a case was not likely to occur, it was possible that this power of suspending writs might be used both for political and party purposes. In such cases as those which used formerly to occur, in which a Ministry was turned out or kept in by a single vote, it might be of the greatest importance to keep a seat vacant. No Committee could have discharged its duties more ably or more impartially than that appointed in the Galway case, nor did he think that any one could question its decision. The Report, which was before the House, stated that certain electors had been bribed, and the evidence showed that seven persons received 40*s*. each, out of which one of them expended 38*s*. The whole expenditure of the successful candidate was but £370, so that the bribery could not have been very extensive. The Report stated that the evidence appeared to establish the fact that systematic bribery of certain classes of the electors had prevailed at the last and former election. That systematic bribery prevailed at the last election no one who had read the evidence could doubt ; it did not appear to have been extensive, but it was perfectly systematic. A ticket was given to the voter signed by the agent of the late sitting Member. This ticket he took to a medical gentleman, holding a Government situation, who put his seal to it. It was then taken by the voter to a house, where the maidservant told him to go to a particular window, on putting his hand through a broken pane of which he received the money. There was no doubt that this was very systematic, but it was so clumsily done he thought it doubtful whether those concerned in it had had any experience at former elections. The question, however, now before the House was, not whether seven persons received money for their votes, but whether a town of between 30,000 and 40,000 inhabitants should be deprived of its representation, because certain parties, perfectly well known, and amenable to punishment under the existing law, had offended. A number of election cases had been tried relating to England and Scotland. In some bribery had been proved, but in not a single instance had it been proposed to suspend the writ. Was there to be one law for England and Scotland and another for Ireland? He had no desire to shield any of the parties who had been convicted of receiving bribes. Let them all be proceeded against; but he trusted the House would not, by suspending the writ, punish the innocent. He had a technical objection to the Resolution of the Committee, and the course proposed to be taken upon it. That Resolution ought to have been expressed in the words of the Corrupt Practices Act; but, instead of stating that corrupt practices "extensively" prevailed at the late and former elections for Galway, it merely declared that the evidence given before the Committee "appeared" to establish the fact that systematic bribery of certain classes existed at the late and former elections. He had no desire to screen individuals, and he trusted that Government would take proceedings against the parties who had been guilty of bribery; but for the reason he had stated, he hoped the House would not consider it necessary to delay the writ any longer.

Motion made, and Question proposed,

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Town and County of the Town of Galway, in the room of Anthony O'Flaherty, esquire, whose Election has been determined to be void."

MR. G. CLIVE said, that he rose with great regret and pain to perform the very disagreeable duty of moving an Amendment—a duty which was cast upon him as Chairman of the late Committee — an Amendment that an Address be presented to Her Majesty for an inquiry into the existence of corrupt practices at the last and former elections for Galway. The hon. and gallant Gentleman had ranged his remarks under two heads, one relating to the evidence given before the Committee and the other to certain points of form. With the permission of the House he would refer to the latter first. The Report of the Committee, it seemed, was not in conformity with the Corrupt Practices Act, because it commenced with the words, "The evidence appears to establish the fact that systematic bribery of certain classes of electors has prevailed at the last and former elections," and did not state that corrupt practices had "extensively" prevailed at the last and former elections for Galway. Now, as he had but recently become a Member of the House, and had not considered it necessary to read the whole of *Hansard*, he was not aware at the time the Galway Committee sat that in a debate which took place some years ago on the Canterbury case, the noble Lord the Member for London and the right hon. Baronet the Home Secretary had expressed their opinion that the Reports of Election Committees should follow the words of the Act of Parliament. But he had since become acquainted with that fact, and if he should ever again have the honour of acting as Chairman of an Election Committee, he would take care to advise his colleagues to adopt the words of the Act, although he apprehended that the effect of that rule would be to hamper Committees in coming to a decision. The hon. and gallant Gentleman objected to the words "it appears" as not being equivalent to those contained in the Act. All he could say in reply to that objection was, that the thing which "appeared" to him to exist actually did exist. He had no means of acquiring a knowledge of facts except through the medium of his senses. "It appeared" to him that the Speaker was in his chair at the present moment, and in the same way "it appeared" to the Galway Committee that there was systematic bribery at the last and former elections. So much with respect to the question of form. He now came to the other and more important point relating to the evidence, and here he must say that the remarks of the hon. and gallant Gentleman had greatly surprised him. In the Cambridge, Maldon, and other cases there were fewer persons proved to have been bribed than in the Galway case; but it was not entirely the fact that a certain number of persons had been bribed which induced the Committee to recommend the suspension of the writ and the institution of an inquiry. That fact was only one among many others which indicated that an extensive system of corruption prevailed at the last and former elections. The evidence given before the Committee related to three different classes of persons. The first were those who received tickets for the poll, who got them sealed by a certain gentleman, and who then went to a house where they were paid a sum of money through a hole in the wall, after the old fashion so familiar to the House. The second class consisted of a considerable number of tenants, rather of the better sort, who were bribed with half-notes, receiving one half before and the other half after the election. Some voters, belonging to the same class, refused to accept the half-notes, not from any indisposition to be bribed, but simply because they were afraid they would not get the other halves after the poll. The third class was the most important of all, for it indicated that a considerable number of tradesmen were in the habit of receiving money for voting in a body. Among the cases was that of twenty-three persons, all butchers, and many of them related to each other, who were proved by one witness to have offered their votes at £10 a head, a sum which was considered by one of themselves to be too much, and that £5 would have been a fairer amount. It was upon those facts that the Committee had arrived at the decision that the last election for Galway was void. He (Mr. Clive) had no desire that the House should adopt his views, except so far as they were justified by the evidence. He was performing a disagreeable duty in moving the suspension of the writ, but he did so with the object of bringing the whole facts under the cognizance of the House, and leaving it to them to determine the course that should be adopted. He begged to move an Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words, "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that an inquiry be made into the existence of corrupt practices during the last as well as former Elections for the Town and County of the Town of Galway," instead thereof.

Mr. J. D. FITZGERALD observed, that the hon. and gallant Member for Roscommon (Colonel French) had asked him to decide whether the Committee had followed the terms of the Act of Parliament before recommending the issue of a Commission. It appeared to him that if the Committee had not followed the exact words of the Act they had at least complied substantially with its spirit. The Committee reported seven distinct cases of bribery committed under circumstances which indicated the existence of a system of bribery at elections. They also reported instances of abortive attempts at bribery, and finally they reported that the evidence before them appeared to establish the fact that the systematic bribery of certain classes of electors had prevailed at the last and former elections. The hon. and gallant Member for Roscommon objected that the Committee had not followed the words of the Corrupt Practices Act; but, if the exact words had not been used, at least the idea intended by those words was conveyed. Therefore, he (Mr. FitzGerald) could not avoid advising the House that there had been a substantial compliance with the terms of the Act. If that were so, there was a foundation for the Amendment of the hon. and learned Member for Hereford (Mr. Clive). Without entering into details, he would only further say that as the Chairman of the Committee, upon his own responsibility, moved the Amendment, it would only be in accordance with the practice of the House to adopt that Amendment. In so doing, and by the issue of a Commission, little injury would be done to the constituency of Galway, for the Commission would be able to conclude their labours and to report before the next Session of Parliament; while if the writ were now issued, the new representative of Galway would not be able to present himself until within a few days of the termination of the present Session.

LORD LOVAINE, as one of the Galway Election Committee, reminded the House that there had been a precedent for the terms of their Report and their consequent action in the Canterbury case. The Committee had been guided by motives of the utmost impartiality, and with the evidence before them, they could come to no other decision than that they had.

MR. WHITESIDE said, he understood among the persons mentioned as having assisted in the practices which had been referred to was a Professor Brown. If that gentleman was a professor of the Queen's College of Galway, he (Mr. Whiteside) wished to know whether such a person was to be retained to instruct the youth of Ireland in corrupt practices.

VISCOUNT PALMERSTON replied, that that would be one of the circumstances into which the Commission would have to inquire.

MR. HADFIELD deprecated the issuing of any Commission, and he referred to the case of Hull, which had required some tons of paper in printing the evidence, and now no one heard of it. There was Canterbury again, when the only result was to prove that bribery had existed in that borough for ages. He could not connsent to incur the expense of a Commission.

LORD CLAUD HAMILTON said, he supposed that the object in suspending the writ was to give the House the opportunity of considering the evidence, but the petty details of the Galway election would be entirely lost sight of when the great reform bill with which they were promised came before the House. They proposed to punish this borough of Galway, respecting which evidence had been laid before them, but what would they do with those numerous boroughs from which the evidence of bribery had been withheld in consequence of the corrupt and improper arrangements entered into? The hon. Member for North Staffordshire (Mr. Adderley) had brought in a Bill to put an end to the system of withdrawing election petitions without the consent of the House, but he had been met by all the opposition the Government could give. This showed they were not in earnest in their attempts to put down bribery, and the public would not fail to see the different line of conduct pursued towards Galway and those boroughs which had escaped through the withdrawal of the petitions.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*:—Words *added*:—Main Question, as amended, put, and *agreed to*.

Resolved,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that an inquiry be made into the existence of corrupt practices during the last as well as former Elections for the Town and County of the Town of Galway."

MAYO WRIT.

WRIT SUSPENDED. PROSECUTION ORDERED.

COLONEL FRENCH moved the issue of a new writ for the county of Mayo. This was a totally distinct case from the one just settled by the House. In the Galway case it was impossible to quarrel with the decision of the Committee; but here it was very different. He was bound to take the decision of the Committee as final, but he would show that the Report was contradictory in itself. They unseated Mr. Moore for having been guilty, by his agents, of undue influence; but they also found he did not sanction, nor was he aware of, any such influence. They showed a total disregard of the principles of the law. They admitted the hearsay evidence of a man who deposed to a speech in Irish, of which language it was proved he was totally ignorant. Let them look at the case, however, on broader grounds. Mayo was the third largest county in Ireland, containing a million and a half acres, and 400,000 inhabitants. Was it consistent with reason that they should withhold the writ till next Session, or the Session after, because a catholic clergyman was alleged to have threatened to turn a voter into a cat, or something of that sort? There was not a particle of evidence to show that any one voter had been prevented from voting; between 2,000 and 3,000 had polled, and the evidence of the first gentlemen in the county was that they never saw a quieter election.

Motion made, and Question proposed,

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Knight of the Shire to serve in this present Parliament for the County of Mayo, in the room of George Henry Moore, esquire, whose Election has been determined to be void."

MR. SCHOLEFIELD rose to call the attention of the House to the fifth Resolution of the Mayo Election Committee, and to move as an Amendment that the Attorney General for Ireland be directed thereon to prosecute the Rev. Peter Conway and the Rev. Luke Ryan. It was not his intention to trouble the House by reading the voluminous evidence referring to this case; it was for the House to judge how far that evidence justified the decision at which the Committee had arrived; and, notwithstanding what had fallen from the hon. and gallant Member, a careful perusal of the evidence taken before the Committee would, he thought, convince every one that Mr. Moore's election had been carried mainly, if not entirely, by the influence of the Roman Catholic priesthood —not the influence of advice, or suggestion, or even of persuasion, but the influence of spiritual intimidation in its most marked and obtrusive form. The House would see by the evidence that the proceedings of the election began by the issue of a most unseemly electioneering mandate, signed by "John Archbishop of Tuam," and three Roman Catholic Bishops, in favour of Mr. Moore and against Colonel Higgins. This was followed up by incessant activity on the part of the priests, by threats and denunciations, by spiritual intimidation and incentives to violence, until the county was in such a state of excitement that it was not possible for Colonel Higgins' voters to go to the poll, except under the protection of an escort of military—they were not safe even in the booths. The hon. and gallant Member said that there was no evidence to show that any voters had been prevented from voting, but there were plenty of such instances in the blue-book, and there were also instances of men being compelled to vote in a different manner from that which they had intended. In one case a witness went into the polling-booth intending to vote for Higgins, he was surrounded by priests, "and they told me," said the witness, "that if I would vote for Higgins my soul would not be in the right place when I went to the other world." In reply to further questions the witness said, "They told me my soul would be in hell unless I gave a different vote, and I then voted for Moore and Palmer." The evidence abounded in instances of intimidation on the part of the priests, but he would confine himself to the two who had been specially reported to the House, Conway and Ryan. Father Conway's name appeared in almost every page of the blue-book; he seemed to be everywhere, and wherever he was he was the centre of violence and commotion. The first mention of him was in reference to a denunciation which he uttered from the altar of his chapel at Ballinrobe, on the Sunday before the election. This incident was related to the Committee by Mr. French, a landed propriety in the county, who was present at the time, and who took down the words in writing. After eulogizing Moore and Palmer to the highest degree, Father Conway proceeded to say, "As to Higgins, he is a most consummate scoundrel; he has deceived you in every point and broken every promise; he has sold his country and himself, body and soul, and now he presumes to come forward and ask for your votes. The curse of God will fall on every one who gives him one." It was only fair to say that that evidence was contradicted to some extent by a gentleman of great respectability, who give a different interpretation to the curse; but the Committee came to the conclusion that it was really uttered in the terms stated, partly because the words were taken down by Mr. French at the time, and partly because from other evidence given it seemed to be Father Conway's usual mode of electioneering. Evidence was given of another curse uttered by Father Conway on the same day. Addressing some voters from the top of a wall, who had been brought into the town to vote for Higgins, he said, "May the curse of God be upon any man who votes for Higgins!" He understood that it would be denied that Father Conway had ever uttered these words, but if he did not utter them there was a place in which he could have repudiated them with great force—the Mayo Election Committee-room. He was in the lobby during the whole of the inquiry, but he was never called. The second case was that of Father Luke Ryan. On the 22nd of March that rev. gentleman read from the altar a list of the freeholders in the parish, commenting upon every name, and applying the terms "traitor," "black-leg," and "black sheep" to the names of those who were likely to vote for Colonel Higgins. He told the congregation that Higgins had sold them and his country, and, pointing to the middle of the church, he said, "If the devil were to come up there I would vote for him in preference to Higgins." He struck the altar with his right hand at the time to give greater emphasis to the expression. On the 29th of March he said, "that the curse of God would come down upon any one who voted against his country and his country's cause, and voting for Higgins would be doing that." "He would not give the rites of the Church," he said, "to anybody who voted for Higgins." He desired the congregation "to keep their eyes on the black sheep and to mark them." "He would brand them," he said, "he would mark them for life." It had been said that these addresses were not uncommon in Ireland, and that they must not be measured by the English standard; but if they were common that was a strong reason for Parliament to interfere to put an end to them. But he believed that these denunciations were not so common as was supposed, and that they were quite at variance with the discipline of the Roman Catholic Church; for he held in his hand a Resolution agreed to unanimously by the Bishops of the Church of Rome in 1834, in which they pledged themselves to recommend their clergy most earnestly to avoid in future any allusion from the altar to political subjects. He directed attention to this, because he was anxious that the House should not think that the Committee had been actuated by any prejudice against Roman Catholics. The Committee had felt that it was not a question of Protestantism as opposed to Catholicism, but that it was a question of freedom of election as against priestly intimidation. So viewing it, the Committee had discharged their duty faithfully, and although he (Mr. Scholefield) had always done his best to maintain the civil and religious privileges of his Roman Catholic fellow subjects, he considered it to be his bounden duty to see that the priests did not infringe the civil liberties of the people. He admitted that Colonel Knox and several other most respectable witnesses who had been called on behalf of Mr. Moore had stated that the last election was comparatively a quiet one; but if that were so the previous elections must have been very remarkable ones, for those witnesses all said that at no time could an elector who did not vote on behalf of the priest's candidate go to the poll without a military escort. They proved indisputably, in fact, that mob influence was very much in vogue at that election, and that that influence had been elicited and encouraged by the priests. With respect to future proceedings, he must tell the House unhesitatingly that he did not believe if they issued a new writ that they would obtain the free expression of the opinions of the voters of the county of Mayo. If, however, the writ were suspended time would be afforded for vindicating the law by the trial of the two priests whom the Committee had named, time would also be gained for further investigation if it should be deemed necessary, and for allaying the state of bitterness and irritation in which the county was unfortunately plunged at the present moment, and on the whole he believed that much good would result. If, on the other hand, they decided to issue the writ, his opinion was that they might just as well save themselves the trouble of an election by despatching it straight to Archbishop M'Hale.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words, "Mr. Attorney General for Ireland be directed to prosecute the Reverend Peter Conway and the Reverend Luke Ryan."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MAGUIRE: Sir, I desire, unaffectedly, to express the feeling of embarrassment under which I rise to address the House on the present occasion; but I throw myself without fear or hesitation upon the generosity of this English assembly, and upon that spirit of fair play which, whatever its prejudices, has always characterised the British Parliament, while I endeavour to vindicate the cause of an absent friend, and while I also endeavour to remove the misconception under which many hon. Gentlemen now labour, owing to their imperfect information on the subject before them. The Chairman of the Committee has laid down the proposition that the election of Mr. Moore was carried not by legitimate means—not by persuasion, not by fair solicitation, not by those means of which the constitution approves; but by spiritual intimidation. To this proposition I give a decided and unqualified contradiction; and I will endeavour to show that the election of Mr. Moore had been carried in spite of influences which I consider most disgraceful to those who brought them into operation. Now the House should take into consideration the history of the two candidates then before the electors of the County of Mayo, in order to understand whether it were necessary to lash the people into excitement by undue influences, to effect the triumph of Mr. Moore. Mr. Moore was one of those men who were identified with a considerable portion of the Irish population by a thorough sympathy on certain important grounds of political policy; and whether the views of Mr. Moore were right or were wrong, there is no doubt of two things—that they were in unison with those of the majority of his constituents, and that he had proved himself eminently consistent in their advocacy and maintenance. It was notorious to what an extent Mr. Moore had gone in the promotion of those principles which he professed, and that in many counties and boroughs in Ireland he was seen at the late election endeavouring to accomplish their triumph by the return of candidates holding the same opinions. At any rate, whether his policy was a wise one or not, he was consistent in its maintenance; and such consistency, instead of rendering him unpopular, on the contrary, rendered him most popular in his native county, which he had faithfully and ably represented in this House. I say then that my hon. Friend was returned because he remained faithful to his pledges, and not through the exercise of undue influence on the part of the Catholic clergy. It was also notorious that Colonel Higgins, whether rightly or wrongly—for I do not mean to introduce any controverted question into this debate—had receded from certain pledges of fidelity to a certain policy. His conduct excited considerable indignation throughout Ireland, and especially in Mayo; and it did not require that violence and that intimidation alleged against the Catholic clergy of that county to rouse an indignation which that gentleman's own conduct had already created. Therefore I assert that the excitement, such as did exist, was the natural result of the consistent conduct of the one candidate, and the desertion of the popular party by the other candidate; and that the election was the free act of the voters, and not the result of undue influence upon the part of the priests. I said that Mr. Moore's return was effected in spite of certain discreditable influences, and this I now proceed to establish. If the decision of the Committee, who condemn Mr. Moore for no act of his, and in the full knowledge of his attempts to promote order and tranquillity—if their decision can be justified on this ground, the marked and culpable omission made by them in another respect is, in my mind, wholly unjustifiable. While the Committee criminated Mr. Moore for no act of his, they said not a single word in reference to the conduct of the High Sheriff of Mayo, Captain Higgins, the father of the candidate, Colonel Higgins. My assertion is this—that the conduct of the High Sheriff was most unbecoming, most partial, and most unfair, and that it was so from the first moment of the election to the last. He placed the disposal of the military force in the hands of partisans, and he filled the booths with his deputies, nearly every one of whom was a notorious partisan. It had been the custom in former elections for the High Sheriff to grant what are termed "deputations" to certain of the local magistrates, in order to secure the tranquillity of the country, and to afford protection to voters on each side; and with this object in view, the "deputations" were granted to magistrates on both sides. This was acting on an intelligible principle, that of fairness and impartiality. But the very first thing Captain Higgins did was to grant these deputations to violent partisans, and to refuse them to every magistrate on the other side. The High Sheriff is the returning officer of the county; and as returning officer his first duty is to take an oath imposed on him by the law, and in the spirit of the constitution, to act honestly, impartially, and without favour to any candidate. But what does he do? There were nine polling booths in the county, and to those nine, with I believe a single exception, he appoints notorious partisans of his son, who, by their future conduct, vindicate the wisdom of his selection. To this conduct I shall presently allude. But now I beg to call the attention of hon. Gentlemen to one of the most contemptible and disreputable tricks I ever heard of being practised on such an occasion, and such as would disgrace the worst days of the turf. By the Act of Parliament the Sheriff was empowered to demand from each candidate a certain amount of money to cover the expenses incurred by him during the election. Now the High Sheriff, or the sub-sheriff, in his name, demanded from Mr. Moore no less a sum than £200, although the gross amount which he could claim from all the three candidates did not exceed £184 *3s.* 1*d.*, and the sum which he had a right to demand from Mr. Moore was about £65 at the outside; but he insisted upon £200. More than that, he said, or the sub-sheriff, in his presence, said—"Unless you pay this sum in cash, in notes or gold, I will not put you in nomination" [*Laughter.*] Hon. Gentlemen may laugh; but this was no laughing matter; it might have proved a fatal obstacle to Mr. Moore. Now I ask hon. Gentlemen, which of you would like to carry so large a sum into a crowd? Mr. Moore offered his cheque for the amount; and the friends who stood around him, some of the first men in the country, made the same offer; but the trick was to prevent his being nominated, and the cheque was refused. Now, considering the difficulty which there might be of getting this amount of money at the moment in a small town, and considering that the High Sheriff or sub-sheriff did not ask either of the other candidates to pay at the same time, I do not think it too much to characterize this conduct as a piece of gross unfairness; and if it did not meet with the reprehension of the Committee, it ought to excite the disgust and indignation of every lover of fair play. Mr. Moore was charged with bribery and corruption of all kinds, and it was not until the last moment that these charges were withdrawn. But the only person proved to have been guilty of bribery was one of the High Sheriff's deputies, Captain Brabazon, who, I hope, may be made to feel, through the Attorney General, that he is as amenable to the laws as any humble man in the land. This Captain Brabazon, who, harangued against Mr. Moore one day, who canvassed for Colonel Higgins another, who poured out invectives against Mr. Moore a third day, who on another day was sworn to act impartially to all candidates, and without favour to any—this gentleman wrote to a stamp distributer named Mulligan, whom he had previously canvassed, guaranteeing him against all consequences if he voted—if he voted contrary to the express prohibition of an Act of Parliament wisely framed to prevent servants of the Crown from interposing in elections. On the man's proper refusal, Captain Brabazon, who happens to be his landlord, said—"Very well, then I am no longer a friend of yours." Now by that offer and promise of a guarantee, Captain Brabazon has subjected himself to the penalties of the Bribery Act. His conduct at the booth was only a counterpart of that of the other deputies, with one or two exceptions. The Chairman of the Committee said the voters were not safe in the booths. That I admit; but I contend the fault lay not with the priests, but with the deputies. To their conduct and to that of the High Sheriff I attribute much of the excitement which prevailed. Only imagine the conduct of one of the deputies, a Mr. Jennings, as deposed to by Sir Robert Blosse. This Mr. Jennings rejects a man's vote because probably owing to his being a pig-jobber, who in his visits to England had caught up the Cockney accent—he voted for "Mr. Paumer," instead of Mr. Palmer. Mr. Jennings, whose fine Celtic ear was offended at the pronunciation, said there was no such person as "Paumer," and refused the vote. Another unhappy voter presented himself, and was asked, "are you the person whose name is on this list?" His reply was, "I am." He was then asked, "Did you vote before at this election? The reply of the poor clodhopper was—"I am." And the impartial deputy rejected this man's vote on the frivolous ground of this mistake—and this man was about to vote for Moore and Palmer. Then there was a Mr. Sharkie who did not belong to Mayo, but who had been brought in for the purpose, he being a friend and violent partisan of Colonel Higgins. This gentleman it was who gave so pathetic a description to the Committee of the sufferings and persecution he had endured at the hands of the friends of Palmer and Moore; but whose romance about brandished sticks and showers of stones was dispelled by the undoubted testimony of Colonel Wardlaw and Lieut. Grayburn, who saw neither sticks, nor stones, nor violence of any kind. I advise any hon. Gentleman who desires to settle in Ireland, and ambitions the elective franchise, to shave off his mustaches. I give this advice, because of what happened to a gentleman who, having the misfortune to possess mustaches, went into Mr.

Sharkie's booth to record his vote for Palmer and Moore. He gave his vote for these two candidates; but his vote was only recorded for "Palmer," because it was alleged that "Moore" was smothered in the Doctor's mustache. Then Captain Brabazon was as stern as Rhadamanthus to the friends of Mr. Moore, and threatened to clear the court, and send the offenders to bridewell; but when the friends of Colonel Higgins hooted against Moore and Palmer, he laughed pleasantly. An English Protestant gentleman, Mr. Wilbraham, deposed that a Mr. Hildebrand allowed in his booth cheering for Higgins, and hooting against Palmer and Moore. Another deputy, a Mr. O'Dowd, a solicitor, harangued a mob against Mr. Moore one day, and he is sworn to act without partiality or favour the next. Another, a Mr. M'Donald, grants time when the name of a voter of Colonel Higgins is called, but will not permit a moment to the voters of Mr. Moore; thus if the name be not at once answered to, that person cannot vote until the whole list is gone through, and his name is come to again. The evidence of several witnesses, Colonel Knox, Sir Robert Blosse, the Honourable Geoffrey Brown, the two Mr. Jordans, and Mr. Wilbraham, proved that, with the honourable exception of Dr. Burke and another, the deputies acted as partisans of Colonel Higgins, and thus fully vindicated the wisdom of the Sheriff in their selection. It has been said that this election has been carried by priestly influence. What proof is there that it has been so carried! I assert that there is no evidence of such being the case. Look at the polling. The gross number of electors on the list was, in round numbers, 2,600. Of these 2,200 voted, and but 400 were unpolled. Colonel Higgins had 772 plumpers, while Captain Palmer had only 96, and Mr. Moore but 46. And of the comparatively small number of 400 who did not poll, a considerable number were kept from polling, not by the misconduct of the priests, but by the illegality of the High Sheriff. In the barony of Tyrawley there were 535 votes on the registry; and Mr. Lee, the agent of Captain Palmer, applied to the Sheriff for a second booth —which application was refused by him, although the Act leaves him no option, and requires him to comply. What was the result? This—that while in other baronies there were 17, 30, 40, or not more than 60 unpolled, there were 103 unpolled in Tyrawley, a barony known to be favourable to Moore and Palmer. Now, as to the influence of the priests. Sir Robert Blosse, the hon. Geoffrey Brown, and other witnesses declare that whatever influence the priests may have had on previous occasions, they never had less influence than at the last. This evidence coming from men of high position and character, proves that the assertion of the Chairman of the Committee, that the election of Mr. Moore was carried by spiritual intimidation, is not borne out by the real facts of the case. And yet the House is ready to believe every exaggeration with respect to the Catholic clergy, and not to give crdit to what is proved in their defence. It cheered every expression of the hon. Chairman; though I am compelled to admit that the hon. Gentleman has expressed himself as fairly and temperately as under the circumstances he could. But I believe that the hon. Gentleman has his prejudices, honourable and upright as he is; and I cannot help thinking that my hon. Friend has been sacrificed to those prejudices, and the prejudices of his colleagues of the Committee. For what is the fact? It is proved that Mr. Moore went through the country preaching peace and moderation. Mr. Moore said to the electors and people what every hon. Gentleman here, who wished to avoid the shoals and breakers of this House, would himself say—"Do not commit any violence; if you do you are my enemy, and not my friend." No doubt, there were occasional disturbances in spite of Mr. Moore's remonstrance. There was occasional excitement, yet no real disturbance; but I assert, as I can establish, it was mainly caused by the supporters of Colonel Higgins. I beg the attention of the house while I proceed to defend an absent man, now not only arraigned at your bar, but at the bar of the public opinion of this country. I allude to that most wronged gentleman, the Rev. Mr. Conway. The Chairman of the Committee has asked why the Rev. Mr. Conway was not examined before the Committee; and the House cheered the question. But do hon. Gentlemen recognise this document which I hold in my hand? It is the Speaker's warrant, which had been served on the Rev. Mr. Conway, not by Mr. Moore or Captain Palmer, but on behalf of Colonel Higgins. Father Conway came from Mayo in obedience to this warrant, and when he arrived in London he presented himself to the agents of Colonel Higgins, and was told by them

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that he was their witness; two days after they told him he was not their witness. But it is most unfair to Mr. Conway to charge him with not having been examined, when the agents of Colonel Higgins had summoned him over, and when it was in the power of Colonel Higgins' counsel to have examined him. The hon. Chairman grounds his Motion upon two occurrences in which he holds Mr. Conway implicated. First as to his address in the chapel of Ballinrobe. He is accused of having called Colonel Higgins "a consummate scoundrel, and said that "the curse of God would fall on any one who would vote for him." This language I do not justify; but I deny that it was ever used. What is the evidence? The person who swears that he heard the words used, is some poor decrepit old gentleman, who, having got the idea into his bothered head, ran off at once to an active partisan of Colonel Higgins, and committed to writing his version of it, as a good provision for an anticipated petition. But that he used the words "a consummate scoundrel" was denied by three respectable witnesses, who also proved that the more important words were used in quite a different sense. The first witness was Mr. Geoffrey Martin, one of the most respectable men in the county, the chairman of a board of guardians, and a magistrate of thirty years' standing. He denied that Mr. Conway called Colonel Higgins "a consummate scoundrel," and so did two other witnesses. Now, it is the belief of Roman Catholics that they are guilty of a grievous sin if they abstain from mass on Sunday. This is the belief of the Catholic population of Ireland; and by no people in the world is this obligation observed with greater reverence or awe than by the people of Ireland. Thus the stranger might have seen the miserable chapels which up to a recent time existed in that country crowded with worshippers, while the better endowed churches were almost deserted. Now it happened at the last election that several Catholic landlords kept their Catholic tenants from mass, thus not only, as they were bound to believe, committing a sin themselves, but being the occasion of the sin of others. Mr. Conway did say—as three witnesses deposed—that he hoped the curse of God would not fall upon those Catholic landlords who prevented their Catholic tenants from attending mass; and, whatever opinion Protestant gentlemen may hold with respect to this form of expression, I hold it to be defensible on strict religious grounds. Make it the case of a Protestant minister, of Protestant landlords, and of Protestant tenants, and suppose it a Protestant belief that it was a mortal sin not to go to church on Sunday; and I ask, would it not be the duty of the Protestant minister to reprehend the conduct of those superiors who compelled their dependants to violate, for a mere political purpose, a great religious obligation? Now Mr. Martin had been, as he states, denounced from the altar some years since, and therefore he instinctively listened with close and anxious attention to what fell from Mr. Conway; and he positively swears that the words charged against him were not uttered. Now as to the occurrence on the wall. What are the facts? A party of voters were brought into the town of Ballinrobe, and, instead of taking them down a large open street, they were taken down a narrow lane. Some confusion was caused; and the Rev. Mr. Conway, fearing that a breach of the peace would be the result, and that bad work would follow, got into a yard that overlooked the house, and was pushed up upon a wall, with a slanting top, for the purpose of preventing, and not exciting violence. A respectable witness, Mr. Nicholas Walsh, through whose hands £60,000 of the public money of the country have more than once passed, swears to what Mr. Conway said to him at the time. In answer to question 10,738, he says:—"He requested me to do all I could to keep the parties from throwing stones, or committing any breach of the peace." The same witness says:—"I heard him say to the people outside, to keep quiet, and to commit no act that would be the cause of having it injured." But there is another witness, Mr. James Fleming, who says—"The people were shouting; and Father Conway said any one who would violate the law would be his enemy, not his friend; and he begged of them, for God's sake, and other names he mentioned, to be quiet, and not put themselves in the power of the law." And this is the man who mounted up the wall to hurl horrible imprecations on the head of Colonel Higgins' friends!—the man who in the same breath calls on the people, in the name of God, not to violate the law but to prove his friends by keeping the peace. I ask, is such a statement consistent with reason or probability? And Lieutenant Grayburn also heard Mr. Conway call on the people not to hurt the soldiers or the police. Was the election carried by violence? I assert it was not; and I place against the evidence of active partisans, the evidence of gentlemen who had no interest whatever in the contest. For instance, take that of Colonel Jasper Creagh, who had great experience of Irish elections, and who speaks of the general quiet which he witnessed. It is true, he saw the troops led to the charge, but, as he states, it was against "imaginary mobs." Colonel Wardlaw, who commanded the Royals, was at Castlebar, and also at Ballinrobe; and that gallant officer could see nothing of the dreadful rioting and violence by which the election was carried. And what Lieutenant Grayburn saw was caused by the folly of voters belonging to Colonel Higgins, when passing through Claremorris. They began to cheer and shout; and, on being told that they were fools to do so, as they would be sure to draw a crowd, they repeated their challenge to disturbance, and a slight row was the consequence. Now such being the real state of things, I say it is too hard, not only on my hon. Friend Mr. Moore, but upon the electors of Mayo, that he should have been visited with the deprivation of his seat, and they with the denial of their right to return the representative of their choice. I say this straining of the law is a dangerous principle, and hon. Gentlemen who now hear me may yet find it so to their own personal cost. If, indeed, a general state of excitement and violence existed, the result of a widespread conspiracy, by which voters were prevented from going to the poll, although the candidate was not conscious of such a state of things, a Committee might, according to the spirit and meaning of the law, visit the candidate with the penalty by depriving him of his seat, so obtained. But the late election of Mayo was not a case of the kind; and save a few isolated cases of indiscretion, there was nothing whatever to mark it from the most peaceable and orderly election. The Chairman of the Committee observed that the system of intimidation and priestly influence began with Dr. M'Hale. Now while the archbishop in question had a perfect right to express his opinion as to the duty which constituents owed their country, of returning to Parliament honest, upright and faithful men as their representatives, I am prepared to show that that which has been described as "an unseemly election mandate," reflected the highest credit on its illustrious author [*Laughter.*] I treat that laugh with the most perfect philosophy, and understand its motive thoroughly. But what did the archbishop say? Here is the concluding passage of his Pastoral:—

> "Whatever may be the issue of these angry elections, you will not forget to deport yourselves with the wisdom becoming your holy station; to inculcate among the people, often goaded to excitement, the quiet forbearance becoming men engaged in a noble and victorious contest; and to breathe forth from the sanctuary the calm and holy spirit of peace over the troubled waters. We trust that amidst the most stormy scenes the electors will not fail to remember, that, whilst they are struggling for the assertion of their rights, their clergy are engaged in stretching out their hands in prayer for the success of religion and social order, and imploring the Almighty that riot and intoxication and bribery should not bring down His wrath upon the land; and that hatreds, or violence, or enmities should not embitter those contests that have been so unseasonably cast into that great work of peace and mercy that commemorates the reconciliation of earth with an offended Heaven."

Now, do those words, I ask the House, convey an incentive to undue excitement; or do they not, on the contrary, breathe a spirit of peace and conciliation, worthy of the position of that eminent person.

MR. SCHOLEFIELD: I beg to assure the hon. Gentleman I did not allude to the Pastoral, but to certain resolutions bearing the signature of Dr. M'Hale.

MR. MAGUIRE: Even so, the phrase used by the hon. Gentleman does not apply to those resolutions. Why did he not read them to the House? I did read them, and they contained nothing reprehensible or improper. But other resolutions, appealing to the worst passions, to the bitterest sectarian animosity, emanated from the other side; and no notice was taken of them. This investigation has satisfied me more fully on one point—the danger of not having a sound lawyer put in the chair, to say what evidence should be received, and what rejected; for such decisions were scarcely ever come to by any judicial body, as with reference to certain evidence either received, or rejected by the Mayo Committee. Not only what such a man said, but what such a man heard another man say, was admitted by the Committee—evidence that would be rejected by any bench of magistrates sitting in petty sessions. Thus, for instance, gentlemen who did not know one word of Irish, gave evidence of cursing in that language. As well might an Englishman who knew no language save his own, listen to the conversation of a number of Frenchmen, and then come forward and swear that he heard them conspiring against the Emperor of the French. The fact is, the Chairman is a good natured, easy gentleman, and was bullied by lawyers —very vulgar lawyers too—and thus he and his colleagues received hearsay evidence upon the most important points. The case is now in the hands of the House; and I call upon hon. Gentlemen to beware how they sanction a manifest straining of the law against a Member of their House who is made to suffer not only for no act of his, but in spite of his earnest efforts to preserve order and quiet. I also call on the House to give weight to the testimony of impartial witnesses, both as to the character of the election, and the conduct of the priests; and that testimony shows that there was a total absence of organized violence and real disturbance; and that the charges against the priests are, as I have shown in the case of the Rev. Mr. Conway, the result of misrepresentation, partizanship, and gross exaggeration.

MR. BAILLIE said, he should not enter into the merits of the evidence which had been laid before the Committee, but should confine himself to a simple statement of the reasons why the House, in his opinion, ought to pause before they gave their assent to the very unusual course which the hon. Member for Birmingham (Mr. Scholefield) asked them to adopt. He was opposed to the Amendment of the hon. Gentleman, because it tended to violate the rights of the electors of the county of Mayo, simply because two priests who were non-electors had committed an infringement of the law. He should not, of course, object to any proposition which had in view the prosecution and punishment of those priests, should they be found guilty, but their conduct he should maintain afforded no good reason why the electors of Mayo should be deprived of their electoral privileges.

MR. DRUMMOND said, he meant to vote for the issue of the writ for the county of Mayo, but he should be sorry to do so for the reasons which had been submitted to the House by the hon. Member for Dungarvan (Mr. Maguire). That hon. Member indeed, appeared to be so strongly imbued with the spirit of the evidence which had been laid before the Committee by Dr. M'Hale, that he was evidently quite as ready to evade the real question at issue as that right rev. Prelate had been to shuffle out of the questions which had been put to him. The hon. Gentleman had read an extract from a manifesto of Dr. M'Hale, which was not that which was most material as evidence against him, and had observed that the denunciations of the priests had been directed, not against persons who might vote for Colonel Higgins, but against those who, in consequence of not attending mass on Sundays, were deemed to have committed a mortal sin. [Mr. MAGUIRE: "Hear, hear!"] The hon. Gentleman might cry "hear, hear!" but he had cleverly evaded all reference to the evidence of those parties who had themselves stated that they had been denounced for reasons connected with the election. The blue-book, which few hon. Gentlemen, probably, had perused, but which, unfortunately, he had read, showed that the priests had systematically denounced, in the most solemn and awful terms, all persons who did not vote for their candidate. There was no question about this, and he would like to see the form of indictment for spiritual intimidation. He had told the House thirty years ago what would occur, and they were now reaping the fruits of their legislation. Just as was the case in Austria and in Spain, the priests were dominant and the poor degraded people suffered. "There you have it," concluded the hon. Gentleman, "and make the best of it."

MR. PULLER, as a member of the Committee, wished to say, with reference to the statements of the hon. Member for Dungarvan, that although evidence of partiality on the part of the High Sheriff was adduced before the Committee, they did not notice such evidence in their Report, because neither the High Sheriff nor the gentleman appointed by him to various offices were in any way on trial before the Committee. No charges were made against them in the petition, and, with one or two exceptions, they were not present to defend themselves. The evidence, too, which impeached their conduct was all given by witnesses brought forward by the sitting Member. The case with regard to the priests was entirely different. The petition distinctly charged that there was a combination among the whole body of priests in the diocese to carry the election by spiritual intimidation. The priests were therefore upon their trial quite as much as Mr. Moore. The hon. Member for Dungarvan (Mr. Maguire) had raised the question whether the election was or was not void; but that was a question with which the House had nothing to do, because the Committee, discharging a judicial duty, had determined the matter, and their decision was final. It was possible some evidence might have been admitted which would have been rejected in the Queen's Bench, but every question raised by counsel with regard to the evidence had received the patient and impartial consideration of the Committee. He felt, therefore, perfectly at ease with regard to the charge of admitting improper evidence. The hon. Gentleman had also referred to the conduct of Mr. Moore. The Committee had acquitted Mr. Moore, and had stated that although persons acting for him as agents had unfortunately committed him to a breach of the law by intimidation and undue influence, he did not appear to have been cognizant of their acts. It was, therefore, quite unnecessary for the hon. Gentleman to vindicate Mr. Moore. With regard to the conduct of the priests, however, he (Mr. Puller) was confident the great body of gentlemen of the Roman Catholic persuasion would repudiate their acts as strongly as any Protestant could do. He thought the hon. Gentleman had shown considerable want of judgment in alluding to the Pastoral of Archbishop M'Hale, which directed the priests to remind their flocks that amid all the scenes of election riot and debauchery they were praying that peace and tranquillity might reign throughout the diocese. But when he found that these very priests were engaged almost to a man in acting as election agents, in bringing up reluctant voters to the poll, in controlling, and in some cases heading mobs, in dragging people from their cars, he thought the reference to the Pastoral was most unfortunate. It was proved before the Committee that similar violence and intimidation had occurred at previous elections; but when Archbishop M'Hale was asked whether he had ever suspended or dismissed a single priest for disobedience to his orders, his reply was, "No; no complaint has ever been made to me." Was it necessary that the Archbishop, with the power he possessed, should wait for a formal complaint before he investigated misconduct on the part of priests who had been denounced by a Committee of that House? It appeared to him (Mr. Puller) that the question the House had now to determine was, whether the late Act of Parliament which provided that the exercise of undue influence should be equally punishable with bribery and treating should be a dead letter or not. If the House considered that intimidation ought to be suppressed, they would catch at the first just and fair opportunity of enforcing the law.

Colonel NORTH said, the observations which were proved before the Committee to have been made by priests in the Irish language, had been faithfully interpreted according to the admission of Mr. Buchanan, a gentleman acquainted with that language, who was counsel for Mr. Moore. There was another point which the hon. Gentleman had adverted to which he felt bound to notice, and he did so with great pain. The hon. Gentleman had cast an insinuation upon the High Sheriff for requiring a sum of £200 to be paid down in notes or gold as a security on the day of nomination, and refusing to take a cheque for that amount.

Mr. MAGUIRE begged to say that all he had to complain of on the part of the High Sheriff was, that he had been guilty of omission, not commission, and certainly, as regarded the £200, he had not imputed any unworthy motive to him.

Colonel NORTH was very glad to hear that statement, as it relieved him from a very painful duty. He would only add, that the evidence which had been brought before the Committee, as affected the whole proceedings at the election, disclosed a most astonishing state of things—a state of things, however, which appeared to be regarded as a matter of course in that county. If the writs were now issued, what security was there that there would be greater impartiality on the part of the same High Sheriff at the election which would take place? He could only add as one of five Protestants who had had to decide upon a Roman Catholic case, that himself and his colleagues had not allowed themselves to be influenced by any religious predilection. He himself was a firm Protestant, but he had too many Roman Catholic friends, and had served too long with Roman Catholics, not to feel a strong respect for them, and he had endeavoured to act, as had all the other Members of the Committee, with the most perfect impartiality; but he could not help saying, that it would be a perfect farce to issue a new writ at present unless the House was content that Archbishop M'Hale should return the Member for the county of Mayo.

MR. BUTT said, he felt considerable interest in the question because he had had some experience of Mayo elections. He had once been a candidate for the representation of that county, and he believed that he owed his defeat entirely to the influence of the Roman Catholic clergy; but at the same time he felt himself under obligations to many persons connected with that county, from which it was proposed to take away for the present the right of being represented in Parliament. He himself believed that the influence of the priests was declining in Mayo, and the proof of that was that at the last election Colonel Higgins, opposed as he was by the priests, and also as he was by the territorial interest, polled upwards of a thousand votes. The next election would, he believed, be a perfectly fair and just one; and if the House refused to allow the writ to issue they would be laying down the dangerous precedent of punishing a constituency for the illegal acts of persons who were not electors. If any proceedings were going to be taken, such as disfranchising a portion of the electors, the case would be different, but certainly, with no proceedings contemplated as regarded the electors of Mayo, that House ought to pause before it decided that a constituency should be deprived of a representative in consequence of the misconduct of certain non-electors. It had been suggested that the writ should be withheld until the prosecution of the two priests had been carried into effect; but that would only be to say to the electors of the county of Mayo, "Until you find those priests guilty, you shall be deprived of a representative;" and the House, if it adopted that course, would be overriding the legal right of that constituency, and exceeding the powers which had been conferred upon it by the constitution.

MR. BENTINCK said, he wished to put a question to the Attorney General for Ireland, arising out of the circumstances now before the House. The hon. and learned Gentleman was no doubt familiar with the Ecclesiastical Titles Act and with the evidence given before the Mayo Election Committee; he (Mr. Bentinck) might remind him and the House that Dr. M'Hale, on presenting himself as a witness before the Committee, stated, in reply to a question from the chairman, that he was certain he was Archbishop of Tuam. He (Mr. Bentinck) had to ask the Attorney General for Ireland if he was of opinion that the answer given by Dr. M'Hale on that occasion was in contravention of the statute to which he had referred, and, if he was of that opinion, whether he was prepared to take any steps to vindicate the law?

VISCOUNT PALMERSTON: Sir, I am certainly prepared to vote for the Amendment of the hon. Member for Birmingham (Mr. Scholefield). I do not concur with the hon. and learned Gentleman who spoke last but one (Mr. Butt) when he says we are proceeding to punish the electors of Mayo. On the contrary, it seems to me that the tendency of our proceeding tonight is to protect the electors of Mayo. It appears that a great deal of ~~most~~ undue influence has been exerted at the last election on the electors of Mayo to compel them to vote in a particular manner. That undue influence attracted the attention of the Committee, and it is now proposed that legal proceedings shall be taken, the object of which is to prevent a repetition of that improper and undue influence. I say, if it is fitting, which I think it is, that those legal proceedings shall be taken, it follows as a matter of inference that a new election should not take place until the law should determine whether that undue influence is or is not such as to deserve punishment. I think, therefore, it is right to protect the electors of Mayo from the exertion of that undue influence until it shall be ascertained, which it will be before the next Session of Parliament, whether the misconduct of the priests is or is not punishable by law. The electors of Mayo will suffer no injury by the postponement of the election, because, if the election were now ordered, the return could hardly be made before the end of the present Session, and therefore it would be no injury or inconvenience to them that during the period of the recess they should not be represented.

LORD CLAUD HAMILTON said, he perfectly agreed with the noble Lord in thinking that so far as the constituency of Mayo was concerned no great constitutional harm would arise from the delay of the writ; but there was a much more serious question than that for the House to decide. He found it was in contemplation to move that the Attorney General for Ireland be directed to prosecute the Revs. Peter Conway and Luke Ryan. If that House, which was called the great inquest of the nation, should turn its attention to the prosecution of those two individuals, it ought, before coming to a decision, to consider what the result of such a proceeding would be on the public mind. But to whom was it proposed to delegate the conduct of that prosecution? Why, to the Attorney General for Ireland, who, after the election of 1852, when he did not, as now, sit on the Treasury Bench, in a speech of nearly two hours' duration in that House, defended one of the greatest outrages that had ever taken place in Ireland, on the occasion of the return of a Member to sit in that assembly, and charged Her Majesty's troops—the gallant soldiers of England—with deliberately firing on an unarmed, innocent, and peaceable mob. ["Oh! oh!"] Hon. Gentlemen on the Ministerial side of the House might murmur, but they did not know the circumstances. The hon. and learned Gentleman the Member for Ennis on that occasion deliberately contended that priestly influence was justifiable for the purpose of swaying the votes of the constituency. He (Lord C. Hamilton) would say, if the Government wanted this prosecution to go on after that, and if they wanted it conducted impartially, let them put it into other hands. He charged them not to let that investigation be carried out by one who, whatever his merits—and he (Lord C. Hamilton) acknowledged the hon. and learned Gentleman had legal talent—had on the occasion to which he had just referred made a fatal and unfortunate exhibition of partiality, and preferred charges against the magistracy, the soldiers, and the constabulary, which would remain in evidence against him so long as that House existed. He (Lord C. Hamilton), for one at least, would never be a party to an arrangement which would delegate to the hon. and learned Gentleman the power of conducting the criminal prosecution in question, believing, as he did, that such a proceeding would be a mockery, an injury, and an insult to the people of Ireland.

Mr. J. D. FITZGERALD said, he had not, for obvious reasons, intended to take part in the discussion; but the attack which the noble Lord, with so much taste and discretion, had made upon him rendered it necessary for him to say a few words. The speech which had been raked up by the noble Lord was one of the first which he made in that House, and in it he brought no charges against the police or the magistrates or the soldiery, but simply defended an absent friend, the then Attorney General for Ireland, in reference to a transaction in which he had taken a considerable part. It was not by way of attack on the military that he pointed out that a riot had taken place, that a panic had ensued, that some one gave the order to fire, and that the firing continued after the necessity for it had ceased. He never said that there was not a riot, or that stones were not thrown, or that no circumstance occurred to bring about the casualty which led to a deplorable effusion of blood. He was prepared to defend all he had said on that occasion on a proper occasion. The attack of the noble Lord was unfounded, and he defied political malignity itself to fix a blot or stain upon his character or conduct. If the House directed a prosecution against those two rev. gentlemen, he could assure them it might be safely intrusted to his hands, and that it would be carried out with fearlessness, impartiality, and vigour. With regard to the question of the hon. Member for West Norfolk (Mr. Bentinck), it was in reply to a question as to what was his position in the Roman Catholic Church that Archbishop M'Hale said he was Archbishop of Tuam. The Chairman very properly explained the law, and said the Committee were willing to recognize the title of Archbishop, but could not recognize that of Archbishop of Tuam. The Archbishop replied that he had not obtruded the title on the Committee, that he did not wish to do anything offensive, but, the question having been put, he felt bound to say that he did believe, and was certain, he was Archbishop of Tuam; at the same time, if that were not his legal identification, he was quite satisfied with the title of Archbishop M'Hale. The hon. Member asked, upon that passage in the blue-book, whether Archbishop M'Hale had been guilty of an infraction of the Ecclesiastical Titles Act. His impression was that Archbishop M'Hale was not guilty of any infraction of the statute, and he would remind the House that the Committee had not directed any suit to be instituted for the recovery of the penalty. By the Act the suit was not to be instituted by the Attorney General, but by some other person with the Attorney General's consent. With regard to the troops being placed under the orders of partisan magistrates, the Government took special precautions that such a thing should not take place in Mayo or any other county, inasmuch as they issued a circular, directing commanding officers to pay the same attention to the orders of local magistrates, whether or not they held the sheriff's deputation, to act upon their own discretion when the orders were conflicting, and, whenever possible, to take them from a stipendiary magistrate. He believed that in every instance in Mayo the orders were given by a stipendiary magistrate.

MR. **BOWYER**, who rose amid cries for a division, said, that the impatience of the House was a reason why they should not decide at half-past one o'clock upon a grave constitutional question. They were called upon at that time to decide not only whether or not a writ should issue for the county of Mayo, but whether they would throw the whole weight of the House of Commons against two humble persons, and the House was impatient of hearing him on behalf of the accused. There was conflicting evidence before the Committee, and the balance was in favour of the accused. What was spiritual intimidation? Far be it from him to say that a priest ought to use, or to induce others to use, violence, either at an election or at any other time. Such a course was contrary to the discipline of the Catholic Church, and to the wishes and injunctions of the Holy See. The misgovernment of Ireland and the maintenance of the Established Church there had, however, obliged the people to look up to the clergy as the only persons who could protect them and advise them with reference to the important duties of their country which they had to perform. Therefore, if a clergyman said or did an indiscreet thing, it was not for the House of Commons, which had forced him against his will into this position, to take a strong course in the matter. In the present case, unless they had Judges who would strain and wrest the law, it would be impossible to prove any offence. The charge made by the Chairman of the Committee was that curses were used against persons who voted for Colonel Higgins. That was denied. He had the authority of Father Conway to deny it. It was asked why he did not deny it before the Committee, but the fact was that he was summoned as a witness for the petitioners; and why was he not called? What Father Conway did was to denounce the Roman Catholic landlords who prevented their tenants from going to mass on a Sunday, and to say that he hoped the curse of God might not fall upon them. Supposing, however, that he had told the people that, if they voted for a person whom he believed to be an enemy of the Church, they would do wrong, was that an offence? He maintained that it was not. It was not an offence if Father Conway did it, and he did not do it at all. He asked whether on this conflicting evidence, on these doubtful facts and still more doubtful law, they were prepared to become parties to an act which would excite the just indignation of the people of Ireland? The noble Viscount at the head of the Government had got a great majority by his fortunate legerdemain of the cry about the Chinese war, and he fancied that he could do anything he pleased, but if the Government began to persecute the clergy of Ireland, they would find that they had undertaken a most dangerous task, and that the people would rise as one man to defend their clergy. The consequences would be such that they would rue the day when they commenced this course of persecution. [*Cries of* "Divide!"] Hon. Members were anxious to divide. They might divide, and would probably carry this Amendment. They would go home to bed, and would think they had done a fine thing, but what would they have done? This prosecution of two priests on this loose evidence and looser law, would produce in Ireland an effect of which they little dreamt. It would awaken the indignation of the people, and they would rue the day when they undertook this course. ["Oh, oh!"] He said they would. They thought they were merely prosecuting two humble and inoffensive individuals ["Oh, oh!"]; that they were prosecuting two poor priests; but they would find that they were prosecuting the people of Ireland.

Question put.

The House *divided*:—Ayes 29; Noes 153: Majority 124.

Words *added*; main Question, as amended, proposed.

MR. **BRADY** moved the adjournment of the House in order to allow time for further consideration.

VISCOUNT **PALMERSTON** thought that the House had, in the last division, practically decided the question which Mr. Speaker had just put from the chair. It was not usual, except in extraordinary circumstances, to take two divisions upon what really amounted to one question. At all events there was at that moment a very good attendance of hon. Members, and he saw no reason why they should not proceed with the discussion if it were thought necessary to continue it any longer.

COLONEL **FRENCH** did not think that one-fourth of the House should undertake to decide a question so important as the prosecution of two clergymen. There were several Catholic Members who wished to take part in the discussion, and he thought an adjournment should take place in order to allow them to do so.

Motion made and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 16; Noes 149: Majority 133.

Main Question, as amended, put, and *agreed to.*

Ordered, "That Mr. Attorney General for Ireland be directed to prosecute the Reverend Peter Conway and the Reverend Luke Ryan."

Mr. SCHOLEFIELD then moved that the issue of a new writ for Mayo county be suspended during the present Session.

Mr. WHITESIDE hoped it was not intended to suspend the writ until next spring, when the clergymen referred to would be tried. One of the complaints which had been raised before the late Committee was, that the High Sheriff had acted partially, and therefore care ought to be taken that the same objection should not arise at the next election.

Viscount PALMERSTON reminded the hon. Gentleman that the present Motion only applied to the present Session, and it would be competent to any Member in the next Session to move the issue of the writ.

Mr. MAGUIRE thought the decision the House had just arrived at was that no new writ should be issued until the clergymen mentioned should have been tried. That at least had been the explanation of the noble Lord. He would urge the complaint already made, that there had not been a fair return at the last election, owing to the partiality of the High Sheriff.

Mr. NAPIER remarked that the High Sheriff only held office at the pleasure of the Lord Lieutenant, and therefore the Government had the power of removing all complaint upon that ground.

Mr. J. D. FITZGERALD said, the case was as the right hon. Gentleman had described it.

Colonel FRENCH reminded the House that the riots at Kidderminster were far more serious than those which had occurred at Mayo. In the former case the right hon. Member's (Mr. Lowe's) life was endangered, but it was not proposed therefore that the right hon. Member should be excluded from the House until the offenders were punished.

Colonel NORTH could not help observing that the High Sheriff of Mayo had had no opportunity of vindicating himself.

Motion made and Question put, "That the issue of a Writ for the election of a Knight of the Shire for the County of Mayo be suspended during the present Session."

The House *divided:*—Ayes 128; Noes 21: Majority, 107.

Mr. BOWYER moved that the House do now adjourn.

Mr. MAGUIRE asked whether it was intended by the Government to institute proceedings against the High Sheriff of Mayo for his alleged misconduct at the late election?

Viscount PALMERSTON was not sufficiently aware what the alleged misconduct of the High Sheriff was, to be able to answer the question.

Motion by leave *withdrawn.*

House adjourned at Three o'clock.

HOUSE OF COMMONS,

Wednesday, July 29, 1857.

Minutes.] Public Bills.—1° General Board of Health Continuance.
3° Court of Session (Scotland).

THE EASTERN ARCHIPELAGO COMPANY.
QUESTION.

Mr. DRUMMOND said, he would beg to ask the Secretary to the Treasury, On what grounds £43,000 of Public Money has been advanced to support a private speculation of the Eastern Archipelago Company? What security for the same has been given? Whether the Government is itself going to work the Coal Mines of Labuan; and, if not, whether the Government are mortgagees, and at what rate of interest? Whether the Government have guaranteed to pay to the Sultan his Royalties, or to ensure that they shall be paid? Whether the Government have taken any security that the money shall be *bona fide* employed in the way for which it has been asked? When the money is to be repaid?

Mr. WILSON said, he had not had time to inquire into the matter, but would give an answer on the following day. The question assumed that public money had been granted for private objects; he doubted, however, whether that was the fact.

SMOKE NUISANCE (SCOTLAND) ABATEMENT BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

MR. BOUVERIE opposed the clause. The Bill was founded on the metropolitan Act, and was practically extended in its operation to the whole of Scotland. He admitted the benefits which had been derived from the operation of the Act in London; but there were certain manufactures in the process of which it was impossible to prevent the escape of smoke, and he thought that the House should not hastily legislate on this matter by a Bill interfering with all parts of Scotland. Those who carried on the manufacture of iron maintained that in the process of manufacture the smoke could not be consumed, and a part of Scotland was a large iron-producing district. He admitted the great advantage which had been produced by the prevention of smoke in the metropolis, but none of those peculiar manufactures to which he had referred were to be found in London. He thought it was not advisable that they should pass the clause without careful inquiry into its probable effects, and he should therefore move its omission from the Bill.

SIR EDWARD COLEBROOKE was of opinion that the subject ought to undergo some inquiry before a Select Committee, and the practicability of putting in force the stringent provisions of the Bill should be investigated before this clause was adopted.

MR. DUNLOP, who had charge of the Bill, said that the rejection of the present clause would be tantamount to the defeat of the Bill. He admitted that the measure as drawn would be too extensive in operation, and he had therefore given notice of Amendments for striking out some of the provisions, and for confining the operation of the measure to towns and populous places. He also thought it reasonable that the Bill should only apply to those cases with respect to which there had been experience on the subject in England.

LORD JAMES STUART expressed his belief that in the county which he represented (Ayrshire) the Bill was generally approved.

MR. KINNAIRD said, the measure, which had come down from the other House, had been three months before the country, and it was approved by many of the Scotch Members. The Smoke Prevention Act which applied to London had, he was assured, worked most satisfactorily, and many persons who had been strong opponents of the measure were now satisfied of its advantages. He thought the objections which were now raised to the clause would have been more properly urged against the Bill on its second reading. If this clause were rejected it would be equivalent to throwing over the Bill to next Session, and with the enormous amount of work now accumulating, that would be the same thing as postponing it *sine die.* He was quite ready to adopt any reasonable Amendments that might be suggested, and he hoped, therefore, that the hon. Member for Kilmarnock would not persist in his opposition to the clause.

MR. BOUVERIE observed that their experience as to the operation of a measure of this nature in England was limited to the metropolis, where particular branches of manufacture only were interfered with; but it must be remembered that in Scotland an enormous capital was invested in the iron trade, and it was impossible to carry on that manufacture without producing a great deal of smoke. This Bill would interfere materially with the iron manufacture, and he hoped the House, before giving it their sanction, would consider the magnitude and importance of the interests involved. He thought public attention had not been sufficiently drawn to the sweeping nature of the measure; for if it had been proposed to apply such a Bill to the whole of England the table of the House of Commons would have been covered with petitions against it, and London would have been crowded with manufacturers who had come up to defend their rights against legislative interference.

MR. BUCHANAN expressed a general disapproval of the Bill. If it were a good measure he did not see why its operation should be confined to Scotland. It would be manifestly unfair to subject the manufacturers of one portion of the United Kingdom to restrictions from which the manufacturers of other portions were exempted. He had further to observe that the coal used in Scotland produced in general much more smoke in the course of ignition than the coal used in England; and such a Bill as the one before the House would therefore operate with peculiar severity in that country. It was not fair to pass the Bill without due notice to all parties, and without their being heard as to how their interests would be affected. He hoped the House would throw out the measure altogether.

SIR JAMES ANDERSON said, he quite differed from his hon. Friend and believed the Bill was one which was much desired by the people of Scotland, and which was likely to be attended with very great advantages. The extension of the use of steam-engines, and the consequent increase of smoke, had of late years rendered some of the most important towns in Scotland almost uninhabitable. The inhabitants had borne the evil as long as it was supposed there was no remedy, but now that it was known by the experience of London that the evil could be got rid of, or very greatly mitigated, a feeling of discontent had arisen, of which he was surprised hon. Gentlemen on the other side were not aware. Many of the manufacturers were in its favour and desired to see the provisions of the Smoke Act applied to Scotland.

THE LORD ADVOCATE regarded the object of the measure as one of great importance. The main questions involved in the Bill were, whether it was possible to consume smoke, and, if so, at what expense that object could be effected. If the Bill had been introduced at an earlier period of the Session, it would, perhaps, have been desirable to refer it to a Select Committee; but it had been under the consideration of the other House for a considerable time, and very few representations had been received from Scotland in opposition to its principle. He was persuaded the Bill was practicable; and he would suggest that it should be allowed to go through Committee for the introduction of Amendments, and that due time should be afforded for its consideration before the Report was brought up. He might observe that he thought the assent of the Lord Advocate should be required to prosecutions instituted under the Bill, and that its application should be limited to places containing not less than 5,000 inhabitants.

MR. KINNAIRD said, he was prepared to adopt that suggestion. He had no desire unfairly to press the progress of the measure.

LORD EDWARD HOWARD said, that smoke certainly operated in some cases very injuriously; but he felt at the same time that measures for the suppression of the nuisance should be adopted carefully and cautiously, so that the feelings of the manufacturers themselves might be enlisted in favour of their success. With proper care and management the difficulties of complying with the Act would be easily got over.

LORD LOVAINE said, he hoped Scotland would not be made an exception to the rest of the United Kingdom. He thought Scotch smoke was very like English smoke, and would remind the House of the observation of the noble Lord at the head of the Government when he introduced the measure for London, that when the Act passed the manufacturers would soon find out the means of consuming their smoke.

VISCOUNT DUNCAN did not think the provisions of this Bill had been sufficiently considered by the people of Scotland. He would ask why such a measure should be limited to Scotland, when it must be admitted that the smoke nuisance prevailed to an equal extent in Lancashire and South Wales. This was the first Bill of the kind which applied to country districts—for the previous Bills had applied to towns only—and he would propose that the Bill should apply to Great Britain and Ireland; for he thought the manufacturers of iron and soap in Scotland might justly complain that this measure would place them at a considerable disadvantage as compared with the iron manufacturers in Staffordshire and South Wales, and the soap manufacturers in Leeds and Belfast.

MR. KINNAIRD contended that the means of compliance with the Bill were easy, and that many a simple labourer had devised means of doing so under special circumstances.

Clause *agreed to;* as was also Clause 2.

Clause 3.

MR. BOUVERIE objected to give power to the magistrates to enter premises with the police to see that proper means had not been taken. Now, if the smoke was consumed, it did not matter what was the means adopted. Such a power would be regarded with great jealousy. Manufacturers objected strongly to any one entering their premises. It would be thought that if a magistrate wanted to make himself acquainted with some process carried on at his neighbour's works, he would go in with the police, on pretext of seeing what apparatus was used to consume the smoke.

Clause *withdrawn.*

Clauses 4 and 5 *agreed to.*

Clause 6.

VISCOUNT DUNCAN objected to the clause which prohibited the working of furnaces till the apparatus had been appended. He thought it was quite sufficient that smoke should not be allowed to issue from the top of the chimney, without meddling with the furnace.

Clause *struck out.*

Clauses 7 to 13 *agreed to.* Clause 14 *struck out.*

Clauses 15, 16, and 17 *agreed to.* Clauses 18 and 19 *struck out.*

Clause 20 (Bill to apply to Towns of a population of 5,000).

LORD LOVAINE moved that it should apply to towns containing 2,000 inhabitants, which was *agreed to.*

Clause, as amended, *agreed to.*

MR. BLACK moved to insert a clause providing that brewers should not be liable to the penalties of the Act, if they did all in their power to comply with its provisions by employing proper firemen.

MR. KINNAIRD opposed the clause. Brewers in London, who were the largest in the world, were not exempted from the metropolitan Smoke Prevention Act, and affected large savings by complying with the Act.

MR. BLACK said, that the London brewers did not brew Edinburgh ale.

Clause *withdrawn.*

MR. BUCHANAN moved a clause exempting steamboats in rivers and harbours from the operation of the Act.

MR. BOUVERIE explained that the Act had only application to steamers above bridge, and had no reference to steamboats at sea.

MR. KINNAIRD said, that the mode by which steamers consumed their own smoke was of very easy application. He could not accept the exemption in respect of steamboats on rivers, but was willing to accede to the proposition as far as regarded steamboats in harbours.

MR. BUCHANAN said, he must refuse the compromise, for the provision would interfere greatly with the river navigation of Scotland, and he should take the sense of the Committee upon it. The navigation of the Clyde was very different from that of the Thames, and the principle which did very well for the one was not applicable to the other.

Clause *withdrawn.*

House resumed; Bill *reported,* with Amendments; as amended to be considered on *Wednesday,* 12th August.

SUPERANNUATION ACT AMENDMENT BILL.

SECOND READING.

Order read, for resuming adjourned Debate on Amendment proposed to Question [23rd July], "That the Bill be now read a second time; and which Amendment was, to leave out the word "now," and at the end of the Question to add the words, "upon this day three months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. RICH said, that when the Bill was last before the House he had no intention to speak against time with the view of preventing a division, but the House would not hear him, and he was therefore compelled to seek another opportunity of making his statement. His objections to the Bill might be summed up in a few words. He objected to it because it was imperfect in its form, would be unjust in its operation, was quite unnecessary, based upon erroneous statements, involved an extravagant expenditure of the public money, and recognized a breach of contract. The Bill was imperfect because, while the public service embraced some 50,000 persons, who received salaries amounting in the aggregate to between £7,000,000 and £8,000,000 per annum, it referred to 16,000 only, receiving emoluments to the amount of about £2,500,000, and it touched those persons upon one particular point alone. His reason for calling the Bill unjust was, that it sought to put a gratuity of £70,000 a year, which soon would rise to £100,000, into the pockets of a fraction of the civil servants, without satisfying the claims of the rest; and his objection to the Bill upon this ground was increased by the fact that the 16,000 whom it proposed to benefit, were probably the best paid of all the public servants. The Bill was unnecessary, because it had not been proved that the persons to whom the House was asked to vote £100,000 per annum were inadequately paid, all the evidence, indeed, tending in the opposite direction. He maintained that the public service was ably manned by the present office-holders, while in the fact that numerous applications were daily made for appointments, he recognized a decisive proof that the salaries were thought sufficiently ample. Such, too, was the opinion of the Commissioners, upon whose Report the Bill was said to be founded, because, although they proposed to do away with the abatements, they likewise recommended that there should be a revision—which meant a reduction—of salaries in all cases of new appointments and promotions. The Bill was founded upon erroneous statements, put forward by an organized committee of public servants, inasmuch as it was mere assumption to say that the engagement entered into by the public and the civil servants had been violated by the former, or that the amount of the deductions was greater than the allowances which would ultimately be received by those entitled to them. According to the statements of the public servants themselves, the charge upon the pension fund, when all the claims fell in, would be about £200,000 a year, and the amount of the deductions £94,000. Whether the accumulations formed before the pensions exceeded the deductions would or would not make up the difference between £200,000 and £94,000 was a question now under the consideration of experienced actuaries. If the balance should turn out to be in favour of the Government, he was sure that the House would assent to any proposal for either increasing the pensions or reducing the abatements; but, in the meantime, there was no foundation for the statement that the civil servants were required to pay more than they ought. He thought the Bill extravagant, because if, as he contended, the salaries of the public servants were now sufficient, every shilling added to them could be nothing else than a pure waste of the public money. Nor was this all. If the House were to grant £100,000 per annum to the richer and more powerful class of public servants, they could not in fairness withhold a similar boon from the weaker and poorer. Now, as the salaries received by the latter amounted to about £5,000.000 a year, or double the sum paid to the former, the effect of putting the two classes upon an equality would be to increase the gratuity granted by Parliament—for he could call it by no other name—by £200,000, or perhaps £250,000. In fact, what they were now asked to do would be a serious addition to the burthens of the country, and might even prove a formidable impediment to the abolition of the income-tax. The Bill likewise involved a breach of contract. If ever there was a contract clearly made and fairly entered into, it was the contract embodied in the Act of 1834, and the public servants, since that time, had had full warning. That Act had been in open and satisfactory operation for upwards of twenty years. During that time applications had been made without end for appointments to public offices by parties well acquainted with the provisions of the Act. Many of those parties had succeeded in their wishes, and now, when they amounted to a large majority of the public servants, as compared with those who entered prior to 1829, they formed themselves into an association for the express purpose of repudiating the contract. If the noble Lord the Member for Cockermouth (Lord Naas) had introduced a Bill for doing away, not with the abatements, but with the pensions, would not the public servants have charged him, and justly, with attempting to commit a gross breach of faith? But was it not equally a breach of faith on the part of the public servants to seek to be absolved from the payment of the abatements, and at the same time demand the continuance of the pensions? By complying with such a demand the House would be legalizing a most dangerous principle—dangerous even to the public servants themselves. The immediate effect would be a great increase to the expenses of the Civil Service, and in 1861, when the income tax came to be reconsidered, the House might in one of its cold fits of economy resolve to do away with retiring allowances altogether. The noble Lord's Bill endangered the principle of the fixity of the salaries of the public servants, which it was most important to maintain. The question was not one of abatement, which had been inquired into and decided against; but a question whether £100,000 a year should be added to the salaries of the best paid of the public servants, or about a third of the whole. The Committee appointed to inquire into the subject had reported against the plan, and he trusted the House would support the decision of their own Committee. At the same time he hoped that some one connected with the Government would declare their intention of considering the question in a large and liberal spirit, and to give them an opportunity of discussing it in the next Session. But he objected to this Bill as impolitic, as unjust, and as likely to lead to extravagance, and therefore he hoped that the House would not agree to the second reading.

Lord NAAS said, that having already stated, upon introducing the Bill, his reason for so doing, he would confine his remarks upon the present occasion to a reply to certain comments which had been made during the debate. It had been said that the Bill did not call upon the House to decide whether or not the system of abatements should be abolished ; but the statement was incorrect, for that was the only question the House was called upon to decide : nothing could be clearer from the terms of the Bill itself than that this was the very point they had to determine. The Secretary for the Treasury (Mr. Wilson), whose motives in opposing the Bill no one could doubt were very proper, had, however, made some statements of facts and figures in a manner which tended to create a false impression. The hon. Gentleman had stated that there was "an impression" abroad that the civil servants of the public were called upon to pay more in deductions than they received back as pensions. That was not "an impression," it was a distinct matter of fact, and it could be proved beyond all dispute that the contributions of the civil servants far exceeded in amount the pensions that were granted to them. That matter ought to have been set at rest after the evidence which had been taken before the Committee which sat last year upon the subject. They examined Dr. Farr, Mr. Edmonds, and Mr. Hardy, actuaries of the highest eminence, and documents were produced, showing that six other distinguished actuaries agreed with them in an opinion that the average value of the pensions actually granted was considerably less than what should have been given in return for the contribution paid by the civil servant, even omitting all profits arising from resignations and discharges. It was true that an inquiry was going on, or was supposed to be going on, directed in some measure to that point ; but the evidence before the House would lead them to believe that it was unlikely there would be any different conclusion arrived at than had been come to by the Committee. Much had been said in the course of the debate about the present system not being a breach of contract. He had never said it was. He did not think the Government had broken faith with the civil servants, nor did he think the civil servants were seeking to depart from any contract they had made with the Government. What he had said and repeated now was, that the present system was decidedly bad, and he could not show that in better words than by reading to the House the words of Sir Charles Trevelyan :—

> "The arrangement is in its nature inequitable and belongs to that class of bad laws which are contrary to the natural sense of justice of mankind. In criminal jurisprudence the effect of such laws is that juries will not convict upon them. In civil administration the effect is that they obstruct and baffle all our endeavours for the improvement of the civil service,—the fact of the clerk submitting to the condition does not make that justice which is its principle injustice."

That was, in a few words, the view which the civil servants took of this question ; they contended that the system was a bad one, an unjust one, and detrimental to the public service. The hon. Gentleman, the Secretary for the Treasury, had told the House that the civil servants were perfectly well paid, and that within a few years there had been made a large increase in the salaries of almost every department of the civil service. If that were so—if there had really been a large general increase of salaries within the last few years — that would undoubtedly form a very material element in the consideration of the present measure. But what was the fact ? Taking the two large public departments of the Admiralty and the Customs, he found that in 1834, when the superannuation system first came into operation, the business of the Admiralty was conducted by 199 persons, the total amount of whose salaries was £59,266, or an average salary of £297. In 1856 there were 262 persons employed, with salaries amounting to £74,385, being an average salary to each person of £283, actually less than the average salaries of 1834, although the number of ships in commission and men employed had largely increased. In the Revenue department he found that in 1834 the Customs' duties were collected by 4,856 persons, at a cost of £722,507, the average annual salary for each person being £149. In 1856 the number of persons employed had increased to 5,570, and their salaries to £814,000, but the average of the salaries was only £146, being £3 less than the average of 1834. In the mean time the value of the imports and exports had risen from £85,393,000 in 1834 to £291,931,000 in 1856, and the Customs' revenue had increased £2,300,000 during the same period. Thus, there had actually been a diminution on the average salaries paid, while the business of the department had enormously increased. As the hon. Gentleman (Mr. Wilson) had told them last Wednesday that there had been a large increase of salaries in almost every department of the public service, he (Lord

Naas) would just read to the House a statement made by a very high authority, which was as follows:—

> "There had been a large increase of business within the last few years in all the departments. Exports, 1852, £78,076,854; 1856, £115,890,875. Imports, 1852, £109,345,409; 1856, £172,654,823 and shipping in the same proportion. Notwithstanding this large increase of business, and notwithstanding there had been a revision of these establishments, which had led to an increase in the salaries and incomes of the leading officers, who had intellectual work to perform, there had been little or no increases in the general amount expended for salaries. Notwithstanding a large increase of business, there was, instead of an increase, an absolute diminution in amount of salaries."

The House would be surprised to find that the speaker of those words was the hon. Gentleman the Secretary to the Treasury on the 12th of June last. [Mr. WILSON: I said the salaries of all leading officers were increased.] His Motion did not apply only to leading officers. It was intended mainly to apply to officers receiving small salaries—the poor clerks. The average annual salaries of the 16,000 civil servants who would be affected by this Bill were only £146.

MR. WILSON reminded the noble Lord that the supplemental clerks were not under the Superannuation Act at all.

LORD NAAS said, he made no distinction between one class of servants and another; and he must say that he trusted that the House would not be led away by the strange statement of the hon. Gentleman that his measure applied only to the better paid portion of the civil servants. He was not asking for any increase of salary for officers who already received large salaries, but he was appealing on behalf of those whose average salaries were £146, and who formed nine-tenths of the class that would be affected by the Bill, and two-thirds of whom received only £80 a year—so that it was to the poorer and not the richer class that the measure chiefly applied. He believed he had shown that there had been no general increase of salaries, although there had been a very considerable increase of labour. The hon. Gentleman had also told the House that the civil servants of the public were paid at higher rates than the clerks in the Bank of England for doing the same description of work. The statement, however, had been disposed of by the Governor of the Bank (Mr. Weguelin), who had proved that the average salary of the clerks in the Bank of England was £196, while that of the public civil servants was only £141.

The House must also remember that in the Bank the clerks had their chance of succeeding to the higher positions in the establishment, while in the public offices the chief posts were frequently filled up with persons who had never served in any subordinate capacity, and sometimes even Members of that House had been appointed to such offices. The Bank of England also gave their clerks superannuation allowances without making any deductions from the clerks' salaries on that account. The clerks of the Bank of England, therefore, received better pay, enjoyed better terms, and were in a more advantageous position in every respect than the civil servants. Another objection urged by the hon. Gentleman the Secretary of the Treasury against the Bill was, that it would produce an indiscriminate increase of salaries throughout the public service. The fact was the Bill only applied to a portion of the civil servants—to 16,000 out of 49,000. The hon. Gentleman should consider this point in connection with the recomendation of the Committee that there ought to be a revision of salaries, and he, for one, could see nothing to prevent such a revision taking place. Possibly, if it were done, the country might gain more than the miserable sum now in dispute. But the hon. Gentleman went on to say that the payments made were in the nature of insurance. Now, what the civil servants complained of was, that they were not in the nature of an insurance at all. Had they been so there would by this time have been more than £1,000,000 at their disposal, and available for the purposes of insurance. In truth, these payments were not an insurance but a tontine, and one of the worst kind, too, for not more than one in seven ever received any benefit from it. Then the hon. Gentleman proceeded to say that the Treasury made provision for widows. Since that statement was made he had seen several gentlemen connected with the Civil Service, and they could not bring to their recollection any cases in which the widows of civil servants were recommended to receive this provision, while the applications that were made were always refused. It was possible there might be exceptional cases, though he did not know of them, but certainly it was not the general practice of the Treasury to provide for the widows of those who contributed to this fund, and a man might have paid all his life 5 per cent to the civil service fund, and die leaving a large family; but at his death his family would not derive one shilling of benefit from his contributions. The hon. Gentleman also said that if these abatements were made into a fund he did not see what difference it could make, as no officer could receive more than the allowance by Act of Parliament. But he (Lord Naas) contended that if the deductions were put into a fund there would be this difference—that there would be a gradually increasing sum placed at the disposal of the civil servants, which in course of time would, by compound interest, swell to an enormous amount for their benefit. The hon. Gentleman referred to the Metropolitan Police Fund, and stated that at this moment it was unable to meet the demands upon it. But that was not a case in point. He asked the House to remember that the mem who contributed to that fund were a class very distinct from the civil servants of the Crown. They entered the service much older than the civil servants did—he believed at least ten years older—and they retired far sooner. From constant exposure to all weathers and from the nature of the duties in which they were employed their constitutions broke down, and they came comparatively early upon the fund, so that the case of the police did not apply to the one now before the House. But the most extraordinary statement of the hon. Gentleman was, that the total compensation and allowances was now £830,000, and he made an ingenious calculation to show that there would be a deficiency of £581,000 in 1891. In making this calculation the hon. Gentleman took the whole charges for the entire service, mixed up all the charges for pensions and compensations and superannuation allowances now granted. But what were the facts of the case? It was shown by a Parliamentary paper that the total amount abated from salaries from August, 1829, to January, 1856, was £843,433, while the total allowances to those who had paid the tax were £92,233; but it would be fonnd that the calculation of the hon. Gentleman applied to the whole service, and not to the simple operation to which his (Lord Naas') Bill referred. The statement of the hon. Gentleman conveyed the idea that the whole of the civil servants were taxed for their pensions, whereas the salaries of those who received pensions without paying for them amounted to £4,910,600, while the salaries of those who paid the tax amounted to £2,426,699; and moreover the pensions of those who did not pay for them were regulated on a much higher scale than those of the contributors. The tax was now £74,212 per annum, while the annual pensions paid to contributors amounted to £12,000, that being the whole sum out of the £830,000 referred to by the hon. Gentleman which would be affected by the Bill before the House, while it did not affect the salaries of more than 16,000 servants. He contended, then, that if the calculation were made on the contributions paid by the civil servants, and on the calculation as to what their allowances would be in 1891, it would be so different from the result represented by the Secretary of the Treasury, that instead of there being an actual deficiency under that head of charge, there would be on the interest of the fund alone a considerable surplus to the Exchequer. But the hon. Gentleman alluded to the pensions for the army, which, he said, amounted to £556,000 a year, while the civil superannuation allowances were £606,000; so that the civil servants received a larger amount in pensions than the whole army. But the hon. Gentleman left out altogether the small item of £1,169,658 paid to out-pensioners, and forgot that the total charge for the non-effective service was £2,240,224. He had endeavoured to show to the House that the statements of the hon. Gentleman on this subject ought to be viewed with caution, and that his inferences and deductions were not such as should be received without considerable allowance. The right hon. Gentleman the Member for Portsmouth (Sir F. Baring) gave as one of his reasons for supporting the present system of superannuations, that it gave additional security to the civil servants for their pensions; but in this he was at variance with the Commissioners, who plainly stated that they did not think the abatements gave any additional security whatever. It had been objected that the Bill before the House did not deal with the whole question, and did not carry out all the recommendations of the Report of the Commissioners. Now, the principal recommendation of the Commissioners was "the total abolition of deductions for purposes of superannuation, without any corresponding reduction in the salaries on which such deductions are charged." This was the great cardinal recommendation of the Commissioners, and it was embodied in his Bill; and he would undertake in twenty minutes to frame clauses that would embrace all that was necessary in the other recommendations if the House wished it. What were those recommendations? They were, in the first place, that the scale of superannuations recommended by the Committee of last year, which did not differ materially from that at present in force, should be adopted; that superannuations should be given at sixty instead of sixty-five, except in cases of ill health, and that there should be compulsory retirement at sixty-five. Then there were recommendations with regard to gratuities and compensations on loss of office which did not properly come under the head of superannuations, and ought to be made the subject of another Bill. They further recommended that dockyard officers, who rose to the second and third classes, should be placed on the same footing as other civil servants—that the Post Office department should be revised, and that extra clerks should be placed on an equality with the others if they served long enough. Now these were matters that the House could very soon make up its mind upon if it desired to entertain them. There were, however, two points which they had reported upon that would require great attention from the House—namely, that there should be no creation of a fund, and no general revision of salaries. Those who complained that the measure did not settle the whole question nor embrace the whole recommendations of the Commissioners ought to bear in mind that their great leading recommendation was contained in his Bill. If the Bill did not sweep away all the anomalies and inequalities that existed, still it swept away the most grievous anomaly, and he believed it would pave the way for the abolition of all the others. But the question he had now to ask was, what did the Government propose to do? If he understood properly the objection of the Government, they were directed not against the details of the Commissioners' recommendations, but the principles they had laid down. He wished to know from the right hon. Gentleman the Chancellor of the Exchequer whether the Government meant to set their face once and for all against every attempt to do away with the abatements made for superannuation allowances? His decided opinion was that they must make up their minds to do away with these abatements or not deal with the question at all; unless they made the principle of non-abatement the root of their measure it would be unsatisfactory to the civil servants, and, he believed, to the House and country. The system had been condemned by that House, by the press, and by the good sense of the people of this country. In former times it was discussed and disapproved by such men as Lord Sidmouth and Mr. Charles Grant, and by one whose genius and eloquence adorned every subject on which he spoke (Mr. Canning); and in our own days by high authorities in the House of Commons, by the public press, and by petitions to Parliament:—it had been condemned by a Committee of that House, which had given long consideration to the subject; and lastly by a Royal Commission, whose Report should be looked at more in the light of an arbitration than anything else. In fact the whole system of taxing salaries stood condemned; and although there might be hon. Members who thought the system just and proper, he trusted that with the weight of authority to which he had alluded to support them, the Government would put the matter on a satisfactory footing. The continuance of the existing system caused great dissatisfaction among a large and important body of public servants whom it was most desirable to keep contented. They felt they had a grievance to complain of, and the House might depend upon it they would not be satisfied till that grievance was removed. The agitation would go on, and they would not rest contented with less than was now proposed for their relief. Next year the demands of the civil servants instead of being lessened might be enlarged; and the House might find that it was not one grievance only they were called on to redress. We boasted in this country of the stability, the firmness, and the integrity with which the business of every department was conducted. These we owed very much to the exertions and abilities of the civil servants of the Crown, and when they were told by high authorities that this class laboured under an oppressive grievance he maintained that the House ought to redress it at the earliest possible opportunity, and he trusted the House would, by accepting his Bill, put an end to the grievance at once, and thus confer a boon and recognize a right.

MR. GLADSTONE: Sir, I, for one, admit most freely the right of the civil servants of the Crown to two things—first, to a full and respectful hearing, and, secondly, to a clear and definitive decision. And I must say, as regards a full and respectful hearing from this House, that it was not without surprise I learned that some remarks had been made in the nature of a complaint, that we did not come to a decision on this question on the day when the debate upon it commenced, because I did not think it was a reasonable demand that a debate of this kind, involving so many details and such complicated calculations, and one in which a great number of Members take a very deep interest, should be confined within a period of three hours. I thought it was not right in such circumstances to speak of tactics having been employed to prevent a division upon the subject on that day.

LORD NAAS said, he had not used any such expression; all he said was, that he thought the House might have come to a division that day.

MR. GLADSTONE: I am glad to hear that the noble Lord did not make use of any such expression, and I shall, therefore, say no more on that subject. On one point I agree with the noble Lord. It is impossible that this House or the Government should hold anything but intelligible language on this question; and I must say that I experience none of the difficulty which the noble Lord seems to feel with regard to the intentions of the Government upon it. I have no doubt whatever that it is the intention of the Government to abide firmly in its substance by the present system, and that they intend to retain the remuneration of the public servants in the main on its present basis. If they had intended to make great changes in that system, it would have been their duty to let those intentions be known to the House; but, judging from the Bill which the Government brought in last year, and from what has since taken place, there can be no doubt, as I have said, that they mean in the main to keep the remuneration of the public servants as it is; and I have no doubt we shall hear that intention announced to us by the Chancellor of the Exchequer in the clearest and firmest language; for it is not just or fair to the civil servants or for the public interest, that any uncertainty should be allowed to exist with regard to the views either of the Government or the House of Commons on that point. The noble Lord said he was disposed to regard the Report of the Commissioners on this question in the light of an arbitration. I must confess it was with some surprise that I heard him use that expression. This House must have fallen very low indeed if it requires to submit to arbitrators the question what shall be the proper remuneration to be given to the public servants. If the responsible officers of the Crown and the representatives of the people are not fit to decide that question without reference to arbitrators, what question are they fit to decide? Is it not the prime purpose of our mission to hear the demands made by the Government to enable them to meet the exigencies of the State, and to vote the sums which may be required? but the noble Lord will say that in that case this question ought never to have been referred to a Royal Commission at all. I frankly own my regret that such a course was taken. There are many complicated questions of statistics connected with the subject, such as those having reference to contributions and pensions which might have been dealt with by a Commission; but I think it was a great error to refer anything else but those minor details to a Commission. I was no party to that step, and I entirely protest against the delegation of one of the prime functions of this House to any Royal Commission whatever. When this subject was under discussion the hon. Member for Horsham, (Mr. Seymour Fitz-Gerald), detailed to us, with great pathos, the case of a widow who had been compelled, upon the lamented death of her husband, to receive his salary subject to deductions, and who never received any benefit from the fund which those deductions went to swell. But I must remind the House that there was a Bill introduced last year which would have met that very case, and under the provisions of which the widow would have received a gratuity, and that that Bill failed to receive the assent of the House, not on account of the disinclination of the Government, but of those who were acting on behalf of the civil servants. My hon. Friend, following in the steps of the Royal Commission, said that the salaries of the public officers had been revised by Sir Charles Trevelyan, and that the new salaries had been fixed by him without the smallest reference to the deductions paid by the civil servants. To say that Sir Charles Trevelyan is the fixer of the salaries of the public officers is an idea conceived much in the same spirit as that which governed the noble Lord opposite when he said that he looked upon the Report of the Royal Commission in the light of an arbitration. I object to fastening upon Sir Charles Trevelyan the responsibility for these salaries. I heard Sir Charles Trevelyan give his evidence before the Committee, and, as I myself had been the responsible assenting party to the arrangement proposed by him, I at once stated, in the face of the Committee, that Sir Charles Trevelyan was not the responsible party, but the Finance Minister who had assented to the arrangements; and that those salaries had been fixed, not without reference to the deductions, but with express reference to them. It is not Sir Charles Trevelyan who is to be called to account, but the Government of the day who gave their assent to the arrangement. The noble Lord says that we are not to suppose that the question raised is one of the indiscriminate increase of salaries: I am glad to hear that that is his opinion; but I must say that I cannot possibly distinguish between his Bill and an indiscriminate increase, nor did I ever see a Bill which bore so exclusively that construction. The noble Lord quotes the opinion of the Royal Commissioners, that there ought to be an abolition of the deductions without a corresponding revision of salaries; but he knows quite well that the recommendation of the Committee of last year was directly in the teeth of the Report of the Commission. It was to this effect, that the deductions should be abolished, but that there should be a corresponding revision of salaries. Against the authority of the Commission I place the authority of this House, and I know no reason why the authority of a Committee of this House, presided over by the responsible Minister of the Crown, and comprising among its members many of the most eminent and experienced men in this House, should be postponed for one moment to the authority of any Royal Commission. The House must understand, therefore, that the Bill is in diametrical opposition to the Committee of the House of Commons, and that the Committee provided by a clause which they inserted in the Bill, that there should be an equivalent given to the public, for the abolition of those deductions, in the shape of a decrease of salaries. The noble Lord tells us vaguely that it is possible to revise all political salaries, beginning with that of the Prime Minister, so as to make a saving greatly exceeding the paltry £70,000 now asked for. The language of the noble Lord appears to me to be in the clouds, but his Bill is upon earth; and if we were to call upon an actuary—since they are invited to solve so many questions—to turn into figures the value of the noble Lord's declaration as to the saving which we might effect by a judicious revision of political salaries, I am afraid he would tell us that it was not capable of being made a matter of calculation. The noble Lord says he would begin his revision with the salary of the Prime Minister. What would he do with it? I suppose he would reduce it. The noble Lord shakes his head. I suppose, therefore, that he would increase it. [*Laughter.*] This is no laughing matter. There is infection in diseases of this kind, and when you begin to tamper with the rights of the public upon a scale like this, the spirit in which you act is not contented with the food upon which it is first fed, but spreads from one subject to another, and runs through all the departments of the public expenditure. We see here the first fruits of a movement which has appeared in other places. It has been encouraged, I fear, by many votes of this House, but if we give way to it now it will be the fertile parent of many others. The wise heads of the country, I see, have begun to calculate how much they are worth, and it has been shown, I am informed, that the average value of the Premiership is £318 a year. Upon this a proposal is made that there should be a considerable increase of political salaries, and that proposal has, at any rate, been thought sufficiently practical and sensible to be received with favourable notice by a very important portion of the press. Do not let us be surprised, therefore, if we encourage this proceeding, should the result be an augmentation, or at least a proposal for an augmentation, of the salaries of the political officers of the State. But I take this early opportunity of giving notice that if that proposal ever does assume body and substance and make its appearance in this House, I shall be among the first and the last to resist it. I believe there is no country in the world which uses its servants with more liberality than England. If there are cases where salaries are insufficient, those cases are exceptions; but with regard both to salaries and pensions the people of England and this House have ever been most liberal. The question raised upon this case appears to be raised in this form. It is stated or assumed that the system of making deductions from the salaries of the civil servants with a view to providing funds for superannuation is a system which has been condemned on all hands. It has been condemned, it is said, by a Parliamentary Committee, by the Royal Commission, and it is assumed to have been condemned by the Government. It was condemned, I am sorry to say, by the Parliamentary Committee—I greatly regret that such should have been the case—it has been condemned by a Royal Commission, which I look upon as being of less authority; whether it has been condemned by the Government or not I am not aware. But the system which at present exists was founded under recommendations entitled to quite as much weight as any of the recommendations which have been made in the opposite direction. I will read to the House the answer given by Sir James Graham on this point before the Committee. The right hon. Gentleman was asked,—

> "With regard to the policy of making deductions from a salary as an equivalent for a prospective superannuation, do you think that that is a sound policy?"

And his answer to that question was:—

> "Much higher authorities than I, and authorities which I most respect, namely—those who formed the Committee in 1828, and who were some of the ablest and best men that I have ever known in public life, such as Mr. Tierney, Mr. A. Baring, Lord Althorp, Mr. Herries, Mr. Goulburn, and Sir Henry Parnell, all concurred in the opinion which I have adopted, that it is sound in principle, and in effect is excellent. It acts as a powerful moral check upon the civil servants, as a penalty for misconduct, and as a reward for good conduct. When they retire from age and infirmity, and their case is brought under the notice of the Treasury, as it is in each individual case specially brought, the heads of departments are bound to give a report as to the past conduct of that individual, and, if it be favourable, it is carried to his credit, and an increased superannuation is given to him. Therefore I think that, both financially and morally, the arrangement is good."

Although the world goes onward or backward—which ever it may be—at a very considerable pace in these days, I do not think that the House of Commons will be inclined to put aside the authority of the names quoted by my right hon. Friend in his answer. They were men, most of them, among the most experienced administrators of their day, and one or more of them had originally belonged to the permanent civil service. The weight of testimony, therefore, in favour of this system is sufficiently strong, not perhaps to induce you to maintain it under all circumstances, but at least entirely to deprive the noble Lord of the right of saying that it is a condemned system. The noble Lord and those who go with him argue that the pensions which are to be awarded out of the fund accumulated by the deductions will not in the long run exhaust the whole proceeds of the fund. In the first place that fact has never been proved, and if it had it would not affect the question. The noble Lord quoted the opinions of certain actuaries, and he says that these opinions ought to settle the question; but the noble Lord was very glad to fall back upon the Royal Commissioners as arbitrators when it suited the purposes of his argument. But the Royal Commissioners do not state that this was a settled fact; on the contrary, in the last page of their Report, they treat it as a matter not yet cleared up. The Committee of last year did not treat it as a question which was decided. The right hon. Gentleman the Member for Portsmouth (Sir F. Baring) a great authority, is distinctly and strongly of opinion that the money value acquired in respect of pensions is greater than the money value paid in deductions. The truth is that the whole of this estimate proceeds upon an entirely erroneous apprehension of what took place when the Superannuation Act was passed. It proceeds upon the idea, that by that Act certain persons who had entered the public service after a certain day were to be liable to a deduction from their salaries with a view to the formation of a fund for their own benefit exclusively. But that was not the intention of the Bill, so far as can be known from the intentions of its authors. The letter of the Act contains nothing which tends to support that doctrine, and we have express evidence from my right hon. Friend the Member for Carlisle (Sir J. Graham), who was the author of the Bill, acting under Lord Grey, to the contrary effect. My right hon. Friend when giving evidence before the Committee, was asked,—

> "Supposing a special fund had been created, and it had happened that the payments to that fund were more than enough to meet the charges upon it, would it not have appeared equitable either to increase the payment to the civil servants, or to reduce the payments which they made to the fund?"

And his answer was—

> "That is not the view that I took at the time, or that I now take. I think 'that the deduction then made prospectively was such as would not only cover the payments to be made to the individuals, but would diminish the dead-weight charge for superannuations generally; and that course was taken in preference io a larger reduction of salary, which would have been made, had not the provisions stood as they now stand in the Act of Parliament."

That statement my right hon. Friend has also repeated, I believe, in his place in this House. I look upon that as an historical declaration, and if the House will recollect the circumstances of the time at which the Act was passed they will see that that declaration is quite in conformity with them. The tendency of those times was very different from that of our days. There was a strong economical movement going on in the public mind, and the Government of Lord Grey did much to favour that movement, and at the same time to restrain it within salutary bounds. The salaries of high political officers were reduced, and then came the question what was to be done with the salaries of the lower officials—should they be reduced, or should a deduction be imposed on them which might go towards lightening the burden on the public funds for superannuations? My noble Friend the Member for the City of London (Lord John Russell), who was then a distinguished member of the Government of Lord Grey, will confirm me in saying that it was then decided that these deductions should be imposed upon the civil servants in lieu of a diminution of salary, which would otherwise have taken place, and which would have amounted to much more. But really the civil servants are not the only persons to be considered in the matter. We must have some regard for the public. We must ask ourselves what is the principle upon which remuneration is to be allotted for the discharge of public duties. We are told that the public pays less liberally than other establishments, and the case of the Bank has been quoted. The Governor of the Bank himself drew a parallel of this sort. I do not doubt that the Bank is a liberal pay-master, and I do not enter into the question whether there has been an increase of salaries in the public service or not. In some respects there has been an increase and in some a decrease. There have been savings going on by the reduction of important offices, such as commissionerships of Excise and Customs, though they are not the product of the virtue of the present day, but the remainder of a process put in motion twenty-five years ago. The process of reduction was then put into action with a wise regard for vested interests, and as those vested interests die out the country obtains the benefit. The disappearance of two or three offices of £1,000 or £2,000 a year is not without considerable effect in producing your average of £141 for civil service salaries. But I deny entirely the justice of any comparison with the Bank, because the servants of the Bank, with very few exceptions, are employed in what we call head-work, whereas a great number of the civil servants are paid for what is little more than manual labour. I asked the Governor of the Bank, before the Committee, what proportion of hand labourers there was among those whom he calculated as receiving an average salary of £186 from the Bank. He could not give me a very distinct answer, but the fact speaks for itself. The Bank is full of clerks, with a porter or two here and there to show you the way in and out; but is that the case with the 16,000 civil servants? We are not dealing now with the head-workers at the Treasury or the Home Office, but with immense departments, particularly the Customs, containing many thousands of public servants who do nothing but manual labour; and it is by means of these that you contrive to pull down your average to £141 a year. Strike out all but those who do the work of the head, and I venture to say you will find that average payments in the public offices are considerably larger than those in private establishments. I hope therefore that the House will not be misled by any fallacy of this kind. I cannot dismiss altogether from my mind the old idea of the relation which ought to exist between supply and demand. It is all very well to come down here and say with a chivalrous air that it is beneath the House of Commons to inquire what is the value of labour in the market—that we ought to be above such consideration in fixing the payments of our public servants. That would be all very well if we were dealing with our own private fortunes, but we happen to be dealing with the public taxes. The bulk of these taxes are levied upon the wages of the labourers of England, which are regulated by supply and demand; and if the labourer, whether artisan, mechanic, or peasant, can obtain no more than his labour is worth in open market, what right have we to make deductions from the fruit of his labour, and deliver them to servants of the Crown, according to our own ideas of generosity? There is no doubt that the civil servant gets at least what his labour is worth in the market. Here let me draw a distinction. There is a labour so valuable that you cannot pay for it in money. There are men who devote themselves to the civil service with so much enthusiasm, with such ability, and with such an entire absence of the ordinary motives which a prospect of fame affords, that it is impossible to commend or to pay ~~them too~~ highly. Men of that order we must set aside. You may give them salaries which are liberal according to the estimate of the world, but I grant that such salaries, even in the present liberal humour of Parliament, must fall far short of the value of the services which these persons render. I am not here to discredit the civil service in general. At the same time I must say that, so far as my experience has gone, the civil servants of the Crown are not only not an ill paid, but are, having reference to their great mass, a well paid body of servants. Recollect what has happened within the last two years. There is no reason to suppose that the candidates presented for employment in the civil service during that period have been inferior to those presented in previous years; but the establishment of the test of an independent examination has led to the rejection of one-third of them as unfit to enter the civil service of the country. At any rate, there is no doubt that these persons do not enter the civil service by compulsion. After listening to the debates in this House one would really suppose that the ballot, which has been abolished as regards the militia, had been established for the civil service; that every parish, every hundred, was called upon year by year to supply two or three young men for that service against their will; and that the grievance of receiving only £141 per annum, taking tidewaiters and all together, was so great that there would be a market for substitutes, and that large payments would be made to induce persons to relieve the individuals chosen by ballot from this frightful evil. It would be needless to detain the House with a description of what is really the state of the case; but, while the quality of your candidates is improving, and their quantity undiminished, I want to know what will be our justification to the taxpaying constituencies, to the labouring classes of England, if we accede to the representation of the noble Lord and pass a Bill which, without reference to merit—on the contrary, with a decided preference of the higher classes of officers, to whom we are to make a double payment—will place a certain sum in the pocket of every civil servant? Moreover, I cannot admit that this Bill, which proposes to increase the remuneration of the civil servants at the expense of the public, is substantially a legitimate Bill. Of course, I do not for a moment question the decision which I understand you, Sir, have given that the noble Lord is technically justified in introducing a Bill which proposes the abolition of these deductions; but, supposing he had asked leave to introduce a Bill, or had given notice of a Resolution in Committee, providing that £75,000 a year should be added to the salaries of the civil servants at the expense of the Consolidated Fund, he would at once have been asked whether he had the consent of the Crown to his Motion, and would have been informed that if he had not that consent it was not within his competency as a Member of Parliament to propose an addition to the burdens of the people. The noble Lord is enabled to propose, under cover of a mere technicality, a Motion which in substance is what the rules of the House prohibit. Of course he does not for a moment dispute that the effect of that Bill is precisely the same as if he in terms imposed a charge upon the Consolidated Fund. It is precisely the same thing to prevent the deductions reaching that Fund and to take them out after they have got there; therefore substantially his purpose is one which is prohibited by the rules of the House of Commons. Are those rules mere technicalities? Is it a mere technical rule which provides that only the Crown shall make to this House proposals which tend to augment the burdens of the people? Why, Sir, I know no rule which is more deeply founded in the spirit of the constitution, which is more obviously required; which is more absolutely necessary to prevent the grossest abuses. If you surrender that rule what will follow? You will have constituencies in every part of the country acting upon almost every Member of this House. These Members will be more or less disposed to lend a favourable ear to such representations; many of them will act simultaneously and will thus produce what we are always told is a great proof of a strong concurrence of public opinion. The evil of this will be that the proposals for spending the public money will be made by persons who are not responsible for providing it. You are to-day asking to add £75,000 a year to the public charge. That will increase to £100,000, and even that is but a small part of the expenditure to which this Bill will lead. The movement will extend to other departments of the public service. This Bill only professes to deal with one-third of the civil servants; when these deductions are abolished will not the other two-thirds demand a similar measure of relief, and how will you resist their claims? It is all very well for me, for my noble Friend, or for my hon. Friend the Member for Horsham (Mr. S. FitzGerald), to make fine speeches about equity, generosity, and so forth, and then to pass Bills which impose a charge upon the Consolidated Fund; but what is my right hon. Friend the Chancellor of the Exchequer to do when he has to provide the ways and means for meeting these additions to the annual expenditure of the country—or what will the House say when the right hon. Gentleman brings forward a Resolution of increased taxation for the purpose? We are not called upon to propose a budget next year. We have nothing to do with the embarrassment which I am afraid he will feel about the month of March or April next. Nay, more, in all probability, when my right hon. Friend proposes an increase of taxes to meet our increased expenditure we shall all be ready to rise in our places and make popular speeches showing the impolicy of his proposals and the cruelty of the burdens they entail, visiting upon him the consequences of our own folly and extravagance. I hope that my right hon. Friend will hold clear, firm, and strong language upon this subject. I am not speaking now of amendments as to details. Do not remind me of the case of the widows, because I have shown that they would have been provided for if you had not prevented it. Many of the details are susceptible of improvement; but what I am dealing with is the proposal to increase outright and wholesale the salaries of the civil servants who pay deductions, subject only to this variation, that the addition is to be £2 10*s*. per cent in the case of men receiving £100 a year, and £5 per cent in the case of those receiving more than that sum. I protest against that as being unjust to the public and unsupported by anything which has occurred in former times. I do not say that it is a breach of contract on the part of the civil servants, because, in point of fact, the public is in the unfortunate position that it makes contracts which bind it, but do not bind its servants. Any man is at liberty to ask for an increase of salary, but the public can never turn upon him and propose its diminution. The noble Lord does not deny that every one of these gentlemen has from the first been perfectly acquainted with the terms upon which he entered the public service. On every ground of justice and expediency I protest against this Bill; but I protest against it most of all upon the ground that it practically, although not intentionally, is a complete evasion of the rule of this House, which prohibits private Members from proposing augmentations of the public burdens, that it takes that function out of the hands of those who are responsible to the country, and that it is our duty, if we wish to maintain a wholesome spirit in the administration of the public service, to leave that office where it now is—namely, in the hands of Her Majesty's Government.

Mr. DISRAELI: As time is very valuable, and as we are all anxious to hear the opinion of Her Majesty's Ministers, I shall trouble the House for only a few moments; but having taken some part in these debates on previous occasions, I should hardly perform my public duty if I were to remain altogether silent. I shall endeavour to place the question upon which we are about to vote upon its right and legitimate footing. I did not, nor do I now understand that the principle of making these deductions from the salaries of the civil servants is really the question which is before us. With much that the right hon. Gentleman has said I entirely agree. I am prepared to admit that the persons employed in the public service ought to be subject to the same principles as regards supply and demand as are applied to persons in all employments, or to the ordinary relations of life; but that is not so much the question which we are now considering. We know that a particular class of the public services have for a long time felt that an injustice was being done to them in making them subject to a tax from which their fellow public servants were exempted. It cannot be denied that 16,000 out of 50,000 public servants are subject to a particular impost, nor can it be denied that they do not receive the advantage which they have a right to expect from the fund of which they are mulcted; and it cannot be denied, as has been stated by my noble Friend, who has treated this subject with great ability and knowledge of the subject, that the arrangements connected with the superannuation fund are, to say the least of them, so clumsy, that on an average only one man in every seven who paid the tax derived any benefit whatever from it. These are, however, matters which have been the materials of old discussions, and I will not presume at this hour, with the division impending, and with the great importance of being favoured with the views of the Chancellor of the Exchequer upon the present Bill, to enter into any new discussion upon these somewhat ancient topics. In fact, I think these are subjects which have been removed from the discussions of this House by the Government having come forward and announced that they were prepared to legislate upon the subject. In fact, the Government, after discussions had taken place in this House, having collected that the feeling of the house was in favour of that legislation, did introduce a Bill upon the subject, which, after lying on the table for some time, was referred to a Select Committee, who were to consider the whole subject. From that time I think that what had hitherto furnished material for debate ceased to be the consideration with which we had directly to deal. The Government submitted the Bill to a Committee, and that Committee reported in favour of the principle which is now advocated by my noble Friend—I mean the principle that these deductions should not be made from the salaries of persons employed in the public service for the sake of the superannuation fund. It is perfectly true, as the right hon. Gentleman opposite (Mr. Gladstone) says, they did not recommend that the salaries of those persons who had to contribute to the superannuation fund should remain at the same rate as they were at that time. I admit that there was a majority of one against that principle, but what I contend is, that no one can deny that a Parliamentary Committee has decided in favour of the abolition of deduction from the salaries of public servants. Under these circumstances, the House expected that the Government would once more attempt to legislate upon the subject, and carry into effect the principal recommendations of that Committee. The Government, however, did not appear to be satisfied with the Report of that Committee, and they thought it proper that a subject of such great importance should not be precipitately dealt with, and that, as even the decision of a Parliamentary Committee, in the face of awakened public sympathy, might not be above suspicion, they thought it best to submit the subject to the investigation of a Royal Commission. Now, Sir, the right hon. Gentleman the Member for the University of Oxford, appears much to disapprove the appointment of a Royal Commission to inquire into a subject upon which the opinion of Parliament or the policy of a Minister ought to be sufficient ground for action, and I am not disposed to question the soundness of his judgment upon that head. I think that of late years there has been too much laxity in casting the responsibility which ought properly to attach to this House and to the Government upon Select Committees and Royal Commissions. The very question which is now under discussion is one which need never have been referred to a Committee or a Commission at all. It is one upon which the Government, who had ample information upon the subject, ought to have made up their mind and formed their judgment; and having formed their judgment, they should have vindicated it in the face of the House. I confess I look with some distrust to these frequent references to Parliamentary Committees; but I look with still more distrust upon referring a question to the investigation of a Royal Commission which has already been reported upon by a Parliamentary Committee. I think, speaking generally, that nothing can be more unsatisfactory to this House or to the country than to attempt by the decision of a Royal Commission to set aside a Report of a Committee of this House. When, however, I find that a Parliamentary Committee has reported upon the subject now before us, that that Report has been referred to a Royal Commission, which has sanctioned the opinion of the Parliamentary Committee, so far as the main question is concerned, I think that such irresistible authority is brought to bear upon the opinion of the House, as to preclude us from recommencing *ab initio* the investigation upon which we originally entered. Under these circumstances, the Government introduced another Bill; and I must beg the House to remember that that Bill recognized the controverted principle which is the main feature of the present proposal—namely, that these deductions in the salaries of a certain class of public servants should be abolished. We have that principle, therefore, sanctioned by a Parliamentary Committee; we have the sanction of a Royal Commission to the same effect; and we have the approbation of the Minister to the recommendations of the Commission.

THE CHANCELLOR OF THE EXCHEQUER: I introduced the Bill to which the right hon. Gentleman refers before the Royal Commission reported.

MR. DISRAELI: Well, then, we have three great authorities, although not in the order in which I placed them. We have the sanction of a Parliamentary Committee, Her Majesty's Government, and a Royal Commission, and substantially my statement was correct. Well, then, under these circumstances, what takes place? No doubt there has been much anxiety and agitation among that particular class of persons who are immediately interested, and in those who are connected with them —indeed I may say in the House and the country generally; and this, no doubt, has occupied the serious attention of the Government, because they must know that it is most inexpedient that there should be any chronic discontent among so useful a class of persons as the public servants of the country, arising from the feeling that injustice was being exercised towards them. Every one is agreed that, one way or another, this question ought to be settled. But when an inquiry was addressed to the Government, whether they were prepared to legislate in settlement of the question, a most unsatisfactory answer was received; and we were told that the Government were not prepared to legislate on the subject, as they thought some further inquiry was requisite relative to what were admitted to be very minor details. Now, those details are not in any way vital to the main issue, and I think, therefore, that my noble Friend, in asking the House to divide upon the main question, and thereby put an end to a long and painful struggle, has adopted a wise and expedient course. If the Bill of my noble Friend, which repeals the clause of the Act justifying these deductions from salaries, is passed, in that case it will be perfectly open to the Government hereafter to legislate upon those minor points to which the Report of the Commission refers. Well, Sir, it is said that to adopt the course which is now proposed by my noble Friend, would be to add greatly to the public expenditure. I confess that I agree with the right hon. Gentleman opposite (Mr. Gladstone) that, considering not only the present state of our finances, but the gloomy future in prospect with regard to expenditure, it would be most unwise thoughtlessly to increase the expenditure of the country; but I do not think that any Member of this House, if he thinks that this is an unjust and impolitic tax, and who remembers the opinion of this House as reflected by a Select Committee, of a Commission of the Crown, and of the Government—I do not think there is any Gentleman here who is prepared to refuse to perform an act of justice on considerations of mere economy. Nor can it be said, if we adopt the principle which is now before us, that we shall be acting upon impulse or without consideration or inquiry. This has been a matter of painful inquiry and mature deliberation. Nor can I agree with the right hon. Gentleman and those who preceded him, that the abolition of this tax will otherwise lead to a large expenditure. It is said by some, that if we put an end to these deductions, all those public servants who do not share that boon will ask for an increase of salary. Now, I cannot admit the force of that objection, nor do I think that the inference is irresistible. 16,000 of these servants complain that these deductions are made from their salaries on the ground that it is not just that they should be subject to a tax which the remaining two-thirds of the public servants are exempt from, and they ask to be put in the same position as the rest of the Civil Service. But it by no means follows that, because these deductions are abolished, therefore the remaining two-thirds (who at present have a superannuation fund of which they may avail themselves) will claim an increase of salary. I do not say that the Government will be precluded from revising the salaries of the 16,000; on the contrary, I think that it will be perfectly open to them to adopt that course which they may think fit with regard to that question. I myself am not one of that school which holds that a revision of the salaries of all public men—from the Prime Minister to the lowest tide-waiter—is either desirable or practicable; but I think that an occasional and periodical revision of the salaries paid in the different branches of the public service might be expedient. With regard to the salaries of the high officers of the State, they have been revised within the last seven or eight years; some of those salaries have been reduced and some have been abolished. Now, I can see no reason why the salaries of those 16,000 civil servants should not also undergo revision, and should not even be reduced, if such a proceeding should be considered just. But that is a matter which has no connection whatever with the question whether we ought or ought not to free these civil servants from a tax which previous discussions in this House, as well as the investigations of Committees and Commissions and the opinions entertained with regard to it by successive Ministries, testify to be an imposition which is both unjust and impolitic. Under these circumstances, I trust my noble Friend will upon this occasion succeed in obtaining the assent of the House to a measure the operation of which, I think, will be virtually to settle this important question. I may remind hon. Members that, even should that measure pass into a law, it will still be open to the Government to carry out all those other arrangements with respect to the civil service which have been recommended by the various Committees and Commissions, or which they themselves may deem it desirable to introduce. It will be perfectly in their power to take that course with the concurrence of Parliament, and they may even without that sanction revise the salaries of those officers who would be affected by the proposal which is made by my noble Friend. In conclusion, I have only to say that, if this Bill be carried, the result will be to terminate a controversy which is at once painful and impolitic, and, believing myself that we shall thereby be doing an act of justice, I shall give to the measure my cordial support.

THE CHANCELLOR OF THE EXCHEQUER: It appears to me, Sir, that the question which has been submitted to the consideration of the House by the noble Lord the Member for Cockermouth in the Bill which is now before us, may be regarded under three different aspects. It may be looked upon as a question of feeling, as a question of equity, or as a question of expediency. Now, if we view it as a question of feeling I can only say, that so far as I individually am concerned, nothing could afford me greater satisfaction than to accede to the Motion of the noble Lord to make that addition to the salaries of the civil servants which his Bill proposes. It is my lot to be in daily communication with the members of that body, and while for many of them I entertain the highest respect, my feelings towards others are those of friendship and regard. If, then, I were to give way to mere personal considerations I could perform no act which, to me, would be more gratifying than to vote for the second reading of this Bill. But, Sir, although there may be many hon. Members who would feel that they were justified in giving their votes upon the ground which I have just mentioned, no one who has a public duty to discharge would venture to yield to the influence of mere individual inclination. The Government must therefore be guided exclusively by reasons of public policy with respect to the decision in reference to this Bill at which they may arrive. Now, the next point which we have to consider is, whether this claim, put forward upon the part of the civil service, is or is not founded upon principles of equity and justice. When it was first submitted to Parliament it was, to the best of my recollection, based altogether upon that ground. It was treated as a grievance—it was put forward as a right. The civil servants contended that the Government, by a misinterpretation of an act of the Legislature, had virtually defrauded them of a portion of the emoluments to which they were entitled. They alleged that the Executive had acted improperly in making deductions from their salaries for the formation of a fund which had never been created. In consequence of the existence of that most serious charge it was that I deemed it to be my duty to ask this House to refer the Bill which I introduced in connection with this subject last year, to a Select Committee, in order that these allegations might be examined. Before that Committee the principal members of the Civil Service, from whom the charge to which I have just alluded had emanated, were examined, and every opportunity was afforded to them to lay their cause before Parliament. Now, whatever may be the policy of delegating the responsibilities of Government to a Committee of the House, it seems to me that so long as such serious allegations remained unexamined by a competent tribunal, it would not have been satisfactory to the House to have come to a decision on the subject. Well, the Committee had a large amount of evidence brought under their consideration, and not being able to make up their minds as to that which I may term the question of insurance—that is to say, the question whether the deductions which had been made from the salaries of the civil servants were or were not greater in value than the pensions to which they would become entitled as an equivalent,—resolved to refer the matter to two actuaries, who were to be furnished with the whole evidence, and to report thereupon. The noble Lord the Member for Cockermouth has indeed quoted the testimony of the actuaries who were examined before the Committee, to prove that its members were satisfied with the information which had been laid before them; but I appeal to the recollection of those hon. Gentlemen who were members of the Committee to corroborate the statement which I have made, that the Committee not being satisfied with the evidence before them, came to a deliberate resolution to refer the question for the report of two actuaries specially selected, who were to be furnished with the evidence for that purpose. I therefore entirely dispute the statement that the Select Committee were satisfied upon the ground of equity and justice. The result of the investigation of the Committee was, in my opinion, to leave the question of insurance quite undetermined, and I may add that their labours were brought to a close before the report of the two actuaries to whom the point had been submitted could be received. The claim of the Civil Service has nevertheless been re-argued in this House upon the ground of justice, and upon that footing it was placed by the hon. Gentleman the Member for Hereford (Mr. Clive), who spoke on the first day of this debate, and by the noble Lord the Member for Cockermouth in his speech upon this occasion. Now, I utterly deny the validity of the claim of the civil servants upon the ground upon which both the hon. Gentleman and the noble Lord have put it. I maintain that the contract which was entered into with them by Act of Parliament is, in its terms, perfectly clear and precise; that every one of them who has taken office since the passing of that Act has accepted it upon conditions which were well known; that those conditions have been strictly adhered to by successive Governments; and that it is absolutely impossible to prove that even if a fund had been created, any additional benefit to the members of the Civil Service would be the result. The noble Lord the Member for Cockermouth has, indeed, criticised the figures which my hon. Friend the Secretary to the Treasury (Mr. Wilson) submitted to the House—in what I think a very clear and conclusive manner —upon the first day of this debate, and I shall proceed, with the permission of the House, briefly to repeat the grounds upon which the calculation of my hon. Friend was based. The total amount of the pensions under the operation of the Superannuation Act for this year, exclusive of compensation for abolished offices and other charges, we calculate at £606,000. I may, perhaps, remind the House that the calculation which is made by the advocates of the Civil Service refers, not to the present time, but to a period when the present system may be expected to come to maturity; when the whole of the civil servants will be in the receipt of pensions under the Act; and when those who receive pensions will be placed upon a reduced scale, and will during their entire tenure of office be entitled to an abatement. Now, we have calculated what would be the result of the supposed accumulation of a fund of £5,000,000 and the pensions which may exist at a future time. I shall, in the first place, take the calculation of my right hon. Friend the Member for Portsmouth, (Sir F. Baring) who contends that we ought to deduct one-third from the £606,000 which we say is the amount of the existing pensions. That would leave a sum of £404,000, which amount would, according to the supposition of the advocates of the Civil Service, be payable when the system reached maturity. Well, there is a sum of £94,000 to be taken for contributions, which added to £150,000, the interest of the £5,000,000 at the rate of 3 per cent, would make a sum of £244,000; thus leaving a deficiency of £160,000 as compared with the £404,000 which I have just mentioned. Such is the result, taking the calculation of the advocates of the Civil Service in connection with the principle of my right hon. Friend the Member for Portsmouth. I now come to the calculation which they themselves make. They assume that the pensions will, when the system reaches maturity, be reduced to half their present amount, or, in other words, to a sum of £303,000; from which sum, if you deduct £94,000 for contributions, and £150,000, the interest of £5,000,000 at 3 per cent., together £244,000, a deficiency of £59,000 is created, by which amount the Government would be a loser. It is therefore, I think, quite clear that taking the calculation of the civil servants themselves, we should have a deficiency when the system comes to maturity.

LORD NAAS: Does that statement apply to the pensions of the whole Civil Service, or merely to those of the £16,000?

The CHANCELLOR OF THE EXCHEQUER: It applies to all the members of the Civil Service who would receive pensions under the operation of the Superannuation Act; I suppose that the whole of the Civil Service when the system comes to maturity, will be superannuated on the reduced scale —that is the only way the calculation can be made, and that is the principle on which the Civil Service bases its calculation. I maintain therefore, with the utmost confidence that, looking upon the question as a matter of right as between the civil servants and the Government, no case whatever has been made out for the unconditional abolition of the abatements. Another ground of justice upon which we are told the abatements ought to be abolished is that the Civil Service is underpaid, that the salaries are too low, and that there ought to be a rateable addition of 5 per cent to salaries above £100, and of 2½ per cent to salaries under £100. In order to prove that proposition it must, in the first place, be shown that the higher paid class of civil servants require a greater addition to their salaries than the lower paid servants, which it would, I think, be difficult to establish. But, Sir, I wholly deny that any such general case of insufficiency of pay can be established with respect to the civil servants of the Crown. In the first place there is the well-known fact of the general desire on the part of the public to obtain offices under Government; and in the next place, if we are to suppose that the whole of the civil servants are underpaid, how are we to account for the stress which has been laid in this House upon the adoption of the principle of competition for admission to the Civil Service? Do men compete for that which they do not value? Are men willing to come forward as candidates in a competitive examination for offices that are underpaid, in which the duty exceeds the remuneration, and where they are, indeed, remunerated less liberally than in the mercantile service? A special statement has been made with reference to the Bank of England, upon which I should be glad to say a word. My hon. Friend the late Governor of the Bank of England (Mr. Weguelin) has quoted the salaries of the clerks in that establishment to show that the officers of the Bank of England are better paid than the corresponding class of civil servants. The average amount of the salaries of the clerks in the Bank is £196 a year, and this average my hon. Friend compared with the general average of the whole Civil Service, including the tide-waiters, warehousemen, and all the inferior officers of the Board of Customs, and Excise. Now, first observing that such a comparison could only lead to a fallacious result, let me compare the average salaries of the Bank of England with the salaries of those officers of the Government which properly enter into the comparison. I have before me the average salaries of some of the principal departments of the State, and when I make a comparison between those salaries and the salaries of the persons employed in the Bank of England the House will see how much the payment of public servants exceeds that of the clerks of the Bank of England. The salaries of the persons employed at the Treasury, excluding the political officers, but including the messengers, average £358. The salaries of the Foreign Office average £355; the Colonial Office, £397; and the Privy Council, £400. In some Government offices the average is lower, but the two lowest averages that I hold in my hand are £260 and £280. Therefore, if a comparison be made between the salaries of the Bank of England, which are analogous to those of the Government offices and not wholly dissimilar, it will not be found that the comparison will be unfavourable to the civil servants of the Crown.

MR. WEGUELIN: I would wish to explain that in the average which I calculated I did not include the managers of country banks in connection with the Bank of England, some of whom receive very large salaries.

The CHANCELLOR OF THE EXCHEQUER: And in the average I have given the salaries of the political officers of Departments are also excluded. But be that as it may, looking at this question as one of justice—of an equitable claim on the part of the civil servants for a rateable increase of salaries, made by way of universal percentage, without reference either to service or to individual merit, it seems to me that this claim altogether fails. We then come to the ground of expediency, upon which the claim is placed by the Commissioners. But, before I address myself to that part of the subject, I take the liberty of calling the attention of the House to the course of proceeding which has been followed in this House with respect to the whole inquiry. The Bill which I first introduced into this House, and which was referred to a Select Committee, proposed to make some alterations in the scale of pensions, but did not touch the question of abatements. The Committee went very fully into the question. They examined many witnesses, and agreed to certain Resolutions, one of which condemned the principle of abatements of salaries, but affirmed the policy of a revision of salaries with reference to the abatements. Therefore the Committee, in recommending the abolition of abatements, at the same time recommended that a corresponding reduction should be made in the salaries of the civil servants. They did not recommend an absolute remission of abatements, but a qualified and conditional remission—that qualification and condition being that the salaries of the entire Civil Service should be revised with regard to the deductions. After the Report of the Committee had been presented, it became my duty, as Chairman of the Committee, to introduce a Bill embodying the decision of the Committee, and the Bill I introduced at the end of last Session contained a clause that the Commissioners of the Treasury should, with all convenient speed after the passing of the Act, cause the salaries or rates of payment of the Civil Service to be revised, with due regard to the deductions which should be remitted. The principle embodied in the Bill was that the Treasury, after the deductions had been abolished, were to revise the salaries according to the remission of those deductions, thereby engrafting upon the Act the principle on which the revision of salaries was to be effected; and that was the principle, and no more, to which I assented. The result, then, was this—that I prepared a Bill which contained the principle of abatement; the Select Committee, however, determined not to uphold that principle, but they accompanied their reversal with a decision that the salaries of the Civil Service should be revised. The Bill was introduced at the end of the Session, when there was no sufficient time for its consideration. It did not receive any general support in this House, and, with the concurrence of both sides of the House, I abstained from any attempt to proceed with it. Finding that the proposal I made did not receive the approbation of the House, and being unwilling to adhere obstinately to the principle that I originally proposed, I thought it my duty to propose that the matter should be referred to a Royal Commission, believing that the inquiries of impartial persons would afford the best means of assisting and advising the Government in the difficulty in which they were placed. The appointment of that Commission has been objected to upon different grounds. The hon. Member for Horsham (Mr. S. Fitz-Gerald) says that it was disrespectful to the House to appoint a Commission after the opinion expressed by the Committee. But, if it be disrespectful to this House to refer a question to a Royal Commission, after a Committee has reported upon it, I must be permitted to say that this House has on many occasions been the first to sanction that course, and, if I may so say, to treat its own decisions with a want of respect. I will only remind the House that last Session it carried an Address to the Crown, to appoint a Royal Commission to consider the site of the National Gallery, after a Committee of this House had inquired and made a report on that subject. During the present Session, the other House of Parliament has addressed the Crown for a Commission respecting the Ordnance Survey for Scotland, which has also been the subject of inquiry before a Committee. There are, therefore, ample precedents for referring to a Commission subjects which have already been examined by a Committee. My right hon. Friend the Member for the University of Oxford (Mr. Gladstone) objects to the appointment of a Commission, and says that the Government ought to have decided this matter upon their own responsibility. But the reason that induced me to desire the appointment of a Royal Commission was, that the principle which I originally proposed—namely, that of maintaining the abatements from salaries—had been condemned by the Committee; it seemed to me desirable, therefore, that the matter should be referred to a Commission. The noble Lord himself has admitted that the Commission was composed of impartial persons, and he paid them what was only a just tribute of praise. Indeed, I need only appeal to their decision, which did not accord with the opinion I had previously expressed, as showing that I did not select the Commissioners with any view to a foregone conclusion. Having investigated the subject, they entirely repudiate the claim of the Civil Service to the abolition of these deductions on the ground of right. If the House will refer to page 9 of their Report, it will find a most explicit declaration on this subject—namely, that the Civil Service has no grievance of which to complain, and that it cannot demand the cessation of the annual abatements on the score of right. But if such a claim is to be raised, I can only say that I altogether dispute it, that the matter is still *sub judice*, and that we ought in fairness to await the second Report of the Commissioners, in which they promise the further report of the actuaries, to whom has been referred the whole question whether the deductions taken under the Act of 1834 are more than adequate to meet the charge contemplated by that statute. Therefore, if the House are disposed to deal with the question of equity, I think they are bound, supposing them to be governed by any regard for the public purse, to postpone their decision until they have seen the finding of the actuaries. The basis upon which the Commissioners rest their recommendation is expediency. They say that the present system is objectionable—is full of anomalies. They advise the Legislature to consent to the loss of a certain annual sum in order to get rid of a defective and vicious system. In a few words, their recommendation amounts to this:—The Civil Service cannot on the ground of right demand the remission of the abatements; but, as the system is faulty and open to misunderstanding, the country should, as it were, pay forfeit, and thus put an end to that system. My hon. Friend (Mr. Weguelin) says that this would entail a temporary loss only, and in order to make good that position he accompanies the recommendation with a condition which would introduce a new class of anomalies into the Civil Service—namely, a diminution of the salaries upon promotion, thereby creating a qualified reduction in the rate of remuneration with a view to meet the remission of the abatements. This brings me to the last point which I have now to put before the House, namely, whether they are prepared to agree to the measure proposed by the noble Lord, which involves the simple and unconditional abolition of the deductions now made from the pay of the Civil Service. I have already stated my opinion that the right of the Civil Service to such a concession cannot be established; and in the official position which I hold, I do not feel myself justified in asking the House to be generous with the public money. If the House think fit to perform an act of liberality and generosity, it is no doubt competent for the House so to act; but it would ill beseem me, as Chancellor of the Exchequer, to propose any increase in the salaries of the Civil Service, except upon the ground of justice, or of the insufficiency of the present scale of remuneration. No doubt it is perfectly competent for the House of Commons, if it think fit, in a spirit of gratuitous liberality, to bestow upon the civil servants of the country this annual sum in addition to their existing salaries, and to diffuse the increase rateably over the whole service without any reference to individual merit, or to any augmentation in the amount of work performed. On the other hand, if the House is not disposed to take that step they may accompany the remission of these abatements by the principle which was adopted by the Committee of last Session—that is to say, they may call on the Government to make a reduction in the salaries equivalent to the abatements remitted. In that manner either the whole or a considerable part of the deductions to be abolished would be recovered in the shape of a diminution in the regular rate of pay. That, however, is a matter entirely for the House to consider. For my own part, standing in the situation which I have the honour to fill, I see no sufficient ground to justify me in acceding to the proposition of the noble Lord, and therefore I shall support the Amendment of my hon. Friend (Mr. Wilson) that the Bill be read a second time this day three months.

Question put.

The House *divided*:—Ayes 171; Noes 111: Majority 60.

List of the AYES.

Adair, H. E.
Adderley, C. B.
Arbuthnott, hon. Gen.
Ashley, Lord
Ball, E.
Baxter, W. E.
Bernard, hon. W. S.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Black, A.
Blake, J.
Booth, Sir R. G.
Bowyer, G.
Bridges, Sir B. W.
Bruce, H. A.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Butler, C. S.
Caird, J.
Carden, Sir R. W.
Charlesworth, J. C. D.
Churchill, Lord A. S.
Clay, J.
Clifford, H. M.
Clive, G.
Close, M. C.
Cobbett, J. M.
Cobbold, J. C.
Cole, hon. H. A.
Colvile, C. R.
Conyngham, Lord F.
Corry, rt. hon. H. L.
Cotterell, Sir H. G.
Cox, W.
Craufurd, E. H. J.
Cross, R. A.
Denison, hon. W. H. F.
Dering, Sir E.
De Vere, S. E.
Disraeli, rt. hon. B.
Dod, J. W.
Du Cane, C.
Dunbar, Sir W.
Dundas, F.
Dunlop, A. M.
Du Pre, C. G.
Dutton, hon. R. H.
Ebrington, Visct.
Elphinstone, Sir J.
Esmonde, J.
Ewart, W.
Ewart, J. C.
Farnham, E. B.
Farquhar, Sir M.
Ferguson, Sir R.
FitzGerald, W. R. S.
Forster, C.
Freestun, Col.
Gard, R. S.
Gaskell, J. M.
Gilpin, C.
Glyn, G. G.
Goddard, A. L.
Greene, J.
Grenfell, C. W.
Greville, Col. F.
Gray, Capt.
Grogan, E.
Grosvenor, Lord R.
Gurney, J. H.
Gurney, S.
Hall, Gen.
Hamilton, G. A.
Hamilton, J. H.
Hardy, G.
Hassard, M.
Hay, Lord J.
Hildyard, R. C.
Hodgson, W. N.
Hope, A. J. B.
Hopwood, J. T.

Horsfall, T. B.
Hudson, G.
Ingestre, Visct.
Ingham, R.
Johnstone, hon. H.
Johnstone, Sir J.
Kendall, N.
King, J. K.
Kinnaird, hon. A. F.
Knox, Col.
Langton, W. G.
Langton, H. G.
Levinge, Sir R.
Liddell, hon. H. G.
Lindsay, W. S.
Locke, Jno.
Lowther, hon. Col.
Lygon, hon. F.
Macartney, G.
M'Cann, J.
Mackie, J.
Maguire, J. F.
Malins, R.
Manners, Lord J.
Marjoribanks, D. C.
Martin, C. W.
Martin, P. W.
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Miller, S. B.
Morgan, O.
Morris, D.
Napier, rt. hon. J.
Napier, Sir C.
Newark, Visct.
Noel, hon. G. J.
North, Col.
O'Brien, P.
Ogilvy, Sir J.
Pakenham, Col.
Palmer, R.
Palmer, R. W.
Paull, H.

Pechell, Sir G. B.
Pevensey, Visct.
Raynham, Visct.
Ridley, G.
Robertson, P. F.
Roebuck, J. A.
Roupell, W.
Russell, F. W.
Scholefield, W.
Sclater, G.
Scott, hon. F.
Scott, Capt. E.
Sheridan, H. B.
Smith, Sir F.
Spooner, R.
Stafford, A.
Stanley, Lord
Stephenson, R.
Stuart, L. J.
Sullivan, M.
Sykes, Col. W. H.
Taylor, Col.
Thesiger, Sir F.
Thompson, Gen.
Trefusis, hon. C. H. R.
Vance, J.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Admiral
Warren, S.
Weguelin, T. M.
Whatman, J.
White, J.
Whiteside, J.
Whitmore, H.
Willcox, B. M'Ghie
Willyams, E. W. B.
Wise, J. A.
Woodd, B. T.
Wyndham, H.

TELLERS.

Naas, Lord
Hankey, T.

List of the NOES.

Anderson, Sir J.
Antrobus, E.
Ayrton, A. S.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Barnard, T.
Bass, M. T.
Biggs, J.
Bouverie, hon. P. P.
Brand, hon. H.
Briscoe, J. I.
Bruce, Lord E.
Buller, J. W.
Buxton, C.
Byng, hon. G.
Castlerosse, Visct.
Cheetham, J.
Cholmeley, Sir M. J.
Clifford, C. C.
Collins, T.
Cowper, rt. hon. W. F.
Davey, R.
Davie, Sir H. R. F.
Dodson, J. G.
Duncan, Visct.
Egerton, W. T.

Emlyn, Visct.
Evans, T. W.
FitzGerald, rt. hon. J. D.
Foley, J. H.
Foley, H. J. W.
Foster, W. O.
Fortescue, C. S.
Garnett, W. J.
Gladstone, rt. hon. W.
Gordon, L. D.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Gurdon, B.
Hackblock, W.
Hadfield, G.
Hall, rt. hon. Sir B.
Handley, J.
Hardcastle, J. A.
Hatchell, J.
Heathcote, Sir W.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Herbert, rt. hon. H. A.
Herbert, Col.
Holland, E.

Jackson, W.
Jermyn, Earl
Jervoise, Sir J. C.
Keating, Sir H. S.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, rt. hn. Sir G. C.
Lockhart, A. E.
Lowe, rt. hon. R.
Marshall, W.
Martin, J.
Massey, W. N.
Mills, T.
Mitchell, T. A.
Montgomery, Sir G.
Mowbray, J. R.
Nicoll, D.
Nisbet, R. P.
Osborne, R.
Ossulston, Lord
Paget, C.
Palmerston, Visct.
Patten, Col. W.
Paxton, Sir J.
Pilkington, J.
Powell, F. S.
Pugh, D.
Ramsden, Sir J. W.
Ramsay, Sir A.

Russell, Lord J.
Russell, H.
Russell, Sir W.
Smith, J. B.
Smith, rt. hon. R. V.
Smith, A.
Somerville, rt. hn. Sir W.
Stapleton, J.
Thorneley, T.
Tite, W.
Trelawny, Sir J. S.
Turner, J. A.
Walter, J.
Warburton, G. D.
Watkins, Col. L.
Western, S.
Williams, M.
Williams, W.
Williams, Sir W. F.
Willoughby, Sir H.
Willoughby, J. P.
Wilson, A.
Wilson, J.
Wingfield, R. B.
Wood, rt. hon. Sir C.
Wood, W.
Wrightson, W. B.

TELLERS.

Hayter, W. G.
Mulgrave, Earl of

Main Question put and *agreed to.*

Bill read 2°, and *committed* for *To-morrow.*

OATHS VALIDITY ACT AMENDMENT BILL.

SECOND READING DEFERRED.

LORD JOHN RUSSELL: Sir, it would be impossible at this time (twenty minutes past five o'clock) to proceed with the second reading of this Bill, I propose, therefore, to fix the second reading for Monday, with the hope that I shall have an opportunity of proceeding with the Bill on that day; but I hope that means will be found to enable Baron Rothschild, who has just been re-elected for the City of London, to take his seat without it being necessary to have any Bill to alter the oaths to be taken by Members of this House.

SIR FREDERIC THESIGER: The noble Lord has darkly hinted at some mode by which Baron Rothschild may take his seat in this House without any Bill being passed for the purpose of altering the oaths; but he has not given the House any information as to the time when an attempt of that kind will be made. It would be very convenient to hon. Members if the noble Lord would furnish them with any information which he has on that subject.

LORD JOHN RUSSELL: I have no information of that kind. I am not aware of Baron Rothschild's intention on that subject; but if I should receive any communication from Baron Rothschild, I will take care to give notice to the House. I feel, with the hon. and learned Gentleman, that the House ought to be apprised beforehand of the course which Baron Rothschild may propose to take.

Second Reading *deferred* till *Monday* next.

ELECTION PETITIONS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

MR. BERNAL OSBORNE said, I wish to tender my thanks to the hon. Gentleman the Member for Staffordshire (Mr. Adderley) for the independent course which he has adopted in bringing forward this Bill, and I think that not only my thanks, but those of the House, are due to him for giving hon. Members some protection against the presentation of election petitions. I, unfortunately, have, to a certain extent, been the victim of a mock petition; and I think it is highly desirable that the House and the country should know the circumstances under which it has been endeavoured to extort a seat at my expense without any shadow of ground on the part of the petitioners. A petition was presented against me and my hon. Colleague, the Member for Dovor, early in the present Session of Parliament. In that petition I was accused of every Parliamentary crime that a man could be charged with in the most Parliamentary language. The names of the petitioners purported to be Hammond and Clayton, election agents at Dovor, who I ascertained to be mere men of straw, and mere tools made use of by a gentleman late a member of this House, Mr. George William Hope, who, by a very curious coincidence, was by my late father turned out of his seat for Weymouth for bribery and treating, and who, I suppose, feeling that the sins of the father should be visited upon the children, petitioned against my return. Now, it will be seen that very soon after that petition was presented, Mr. George William Hope made a proposition to my hon. Colleague, who beat him on the poll by 420 votes. He no doubt supposed that, as my hon. Colleague was a young Member, he would be too happy to take advantage of his suggestion, that if he would retire at the end of the present Session of Parliament from his seat, he (Mr. George William Hope) would withdraw his petition against him. When my hon. Colleague mentioned that proposition to me I said to him, "If you do any such thing you will be a greater noodle than I take you for." That was proposition No. 1, on the part of Mr. George William Hope. Soon after that Mr. George William Hope —and I think that I am almost justified in saying that this comes very near to a corrupt compromise — Mr. George William Hope, thinking that the present Members for Weymouth (where he had before been himself turned out for bribery and treating) would be turned out, made a proposition to my election agent that in case the hon. and gallant Colonel below me (Colonel Freestun) and his hon. Colleague (Mr. Campbell), were turned out, and the Government did not oppose him (Mr. G. W. Hope) at Weymouth, he would withdraw the petition against my return for Dovor. I need not say that I scouted that in the same way that my hon. Colleague scouted the other proposition. That was proposition No. 2. On the day before the Committee was struck, a communication was made to the hon. Member for Wells (Mr. Hayter), by Mr. George William Hope to the effect that if he obtained a pledge that he, Mr. George William Hope, should not be opposed at Dovor, (where he had been beaten by upwards of 400 votes) in case of an election being occasioned by the sending out to India of the regiment to which my hon. Colleague belongs, the petition would be withdrawn. That proposition was communicated to me, and I told the gentleman that brought it that I should have considered it a personal affront if it had not been made to me in a Parliamentary way. Sir, I feel strongly on this subject. I may be thin-skinned, but I am not one of those who think that Members of Parliament ought to submit quietly to these charges without rising in their places to decry a system which will, I believe, bring this House into contempt. Well, this was proposition No. 3. In the interim, finding there was nothing to be done with me, Mr. Hope went back to my colleague again. A correspondence was entered into with him, in which it was endeavoured to frighten him by declaring that the case was so strong against him, such flagrant acts of bribery could be proved, that he had no chance of retaining his seat, but that if he, on going abroad with his regiment, would resign quietly, the petition should be withdrawn. My hon. Colleague very properly said, that he would enter into no sort of corrupt compromise, and that if the petition were vigorously prosecuted his seat would be as vigorously defended. This occurred on the Saturday. On the Monday the Committee was struck, and when it came to the table to be sworn, a letter was put in from Mr. Hope's solicitor, without any intimation to me, stating that the petition was withdrawn. Now, I understand this Bill was opposed on the first stage, but I think I have adduced reasons to show why it should pass into a law, and why a stringent measure should be adopted to protect Members from having their characters whispered away, as has been attempted in my case, and that of my hon. Colleague. During the present Session forty-nine of these election petitions have been presented, of which upwards of twenty-one had been withdrawn by compromises effected, I believe, in the lobby. Now, I hope we shall have some law which will not allow these petitions to be compromised, for let the House be assured that, unless we are sensitive of our own honour, and treat these things not as mere matters of course, we cannot expect the constituencies of this country to be sensitive of their honour. Sir, I was determined, upon the first opportunity which presented itself to bring this subject before the House. I believe I have no remedy in prosecuting these men of straw, Messrs. Hammond and Clayton, but were I advised that I could prosecute Mr. Hope or bring him to the bar of this House, I should certainly avail myself of that remedy, cost what it would. One hon. Gentleman told me lately that his election had cost him £300, while the defence of his seat against one of these petitions cost him £2,000. Whatever expense, however, the petition in my case might have put me to, I regret its withdrawal, because I could have wished to have made the facts even more public than I have now done; and I am sure that my hon. Colleague shares that regret equally with me.

Sir GEORGE GREY said, that no doubt every one would agree that some alteration should be made in the law; but because great abuses were known to exist that was no reason why the Committee should pass a measure which was not calculated to provide a good and sufficient remedy for those abuses. In assenting, therefore, to the first clause of this Bill he should reserve to himself the right of objecting, and he should object to some of its other provisions. Instead of hasty legislation of this sort, it would, he thought, have been better to have proposed an inquiry into all the compromises which had taken place in the course of the Session. The House would then have been in more complete possession of the facts, and would have been better able to devise a remedy.

Clause *agreed to.*

Clause 2, Repeals the 11th & 12th of Victoria, cap. 89, sec. 8, respecting the withdrawal of Election Petitions.

Sir GEORGE GREY said, this and other clauses were wholly opposed to the policy of election laws of late years. The 11 & 12 *Vict.* was repealed, and then Clause 3 enacted that if any petitioner was desirous to withdraw his election petition at any time after the presentation thereof, he must petition the House for that purpose, stating the reasons for the withdrawal, and asking the leave of the House; and the House, upon receiving the report of the Examiner of Recognizances, was to determine whether the withdrawal should be allowed. Now, this afforded no means of testing the allegations of the petition; and in fact such a provision would virtually tend to bring the trial of election petitions into this House, and on that account would be very objectionable.

Sir WILLIAM RUSSELL urged the expediency of adopting some stringent measure to prevent the withdrawal of petitions. Under the present system members of this House were shuffled like a pack of cards in the hands of the agents. He had been quite prepared to prove that the petition presented in his case was frivolous and vexatious, and he had given strict instructions to his agent on no account to consent to its withdrawal; but it had been withdrawn without any notice having been given to him. He thought, therefore, that at least some notice ought to be given to the Members concerned before the withdrawal of these petitions was allowed. Three or four most dishonourable proposals had been made to him, as the Committee had been informed; it had been stated that the petitioners had very strong proof against him, while at the same moment they offered to bribe him to a compromise. These proposals, however, he had most indignantly refused, stating that he was determined to fight his seat up to the very moment of leaving the House.

Mr. ADDERLEY said, he could not plead guilty to the charge of attempting hasty legislation. The measure he originally introduced had been drawn up by high authorities, but he had, in deference to the Attorney General, accepted the Amendments he proposed, and the Bill was now word for word the Bill of that hon. and learned Gentleman. The whole of it had been drawn up by the Attorney General, who had attached his name to it on the notice papers of the House. The time (twenty minutes to six o'clock) would not allow him (Mr. Adderley) to enter into the defence of the Bill, nor did he stand up for its provisions in preference to his own; but he certainly thought the matter of such urgency that it ought to be dealt with in the present Session. Next year there was likely to be other important business before the House; they would perhaps have forgotten the subject by that time; and were hon. Members voluntarily to submit to such treatment on the part of agents and attorneys? As to the statement that the Bill would bring election petitions for discussion in this House, he supposed that if there was any point which required investigation the House would refer it to a Committee. The clause only enacted that the petition for withdrawal "may" come before the House, and that the petitioner should assign the grounds upon which a withdrawal was asked for. If the House saw that inquiry was necessary they would refer the subject to a Committee.

Mr. AYRTON said, he had on previous occasions stopped the progress of this Bill, and should do so again now, upon what he thought very satisfactory grounds. The hon. Gentleman (Mr. Adderley) brought this subject before the House when smarting under an election petition; and if he wished for a further reason why the progress of the Bill should be stopped he found it in the speech of the hon. Member for Dover (Mr. B. Osborne), which he was glad had not been delivered from the hon. Gentleman's usual seat on the Treasury bench. That speech was certainly not conducive to the character and the credit of the House, relating, as it did, to persons on a matter which had been the subject of judicial inquiry.

The House resumed.

Committee report progress; to sit again *To-morrow.*

GLOUCESTER CITY ELECTION.

House informed, that the Committee had determined,—

That William Philip Price, esquire, is duly elected a Citizen to serve in this present Parliament for the City of Gloucester:

That Sir Robert Walter Carden is duly elected a Citizen to serve in this present Parliament for the City of Gloucester.

And the said Determinations were ordered to be entered in the Journals of this House.

GREAT YARMOUTH ELECTION.

House informed, that the Committee had determined,—

That William Torrens M'Cullagh and Edward William Watkin, esquires, are not duly elected Burgesses to serve in this present Parliament for the Borough of Great Yarmouth:

That the last Election for the said Borough is a void Election.

And the said Determinations were ordered to be entered in the Journals of this House.

INTELLIGENCE FROM INDIA.

QUESTION.

Mr. HILDYARD: I wish to put a question to the noble Lord at the head of the Government. It appears by the information which we have received that the steamer bringing the intelligence from the East arrived at Trieste at nine o'clock yesterday morning. A sudden fall in the funds at one o'clock yesterday leaves no doubt that the City had by that time obtained information respecting the events which had occurred in India. At two o'clock this morning, however, the noble Lord stated to the House that the Government had received no telegraphic despatch from Trieste. The question that I would ask is, whether the noble Lord is able to explain to the House and to the country how it happens that at a moment of this nature the Government are so far behind in receiving information of events of such deep importance?

Viscount PALMERSTON: I am really unable to explain to the hon. Member why it was that the Government telegraphic despatch only arrived at an early hour this morning. I know that private parties had telegraphic communications from Turin in the middle of the day yesterday, but we had nothing till this morning.

Sir HENRY WILLOUGHBY: May I ask the noble Lord whether he has received any other telegraphic communication than that which has been published in the newspapers?

Viscount PALMERSTON: I cannot pretend to say whether the telgraphic despatch is exactly similar to that which has been published in the newspapers; but the despatch which we have received has been communicated to the evening papers. The substance is the same as that which has already appeared.

House adjourned at seven minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 30, 1857.

MINUTES.] PUBLIC BILLS.—1ª Municipal Corporations; Lunatics (Sotland); Land Tax Commissioners' Names.

2ª Boundaries of Land (Ireland); Glebe Lands (Ireland).

3ª Militia Ballots Suspension; Public Health Act (Aldershot).

INDIA.—OBSERVATIONS.

THE EARL OF ELLENBOROUGH: My Lords, when the noble Earl opposite (Earl Granville) read some extracts the other evening, from information which he had received from India, and laid upon the table certain papers on the subject, he stated that if the information which those papers contained should not be sufficient, he would consider any suggestion which any noble Lord might offer on the matter, and would willingly fall into any recommendation that might be made. There is one most important paper which is not contained in the documents that have been laid before the House—namely, the Proclamation of the Governor General in Council of May 16, in which, on the part of the Government, he declares in very strong terms—so far as I remember the purport of the document as it appeared in the newspapers —the determination of the Government to adhere to their former practice of not interfering with the religion of the Natives. That Proclamation is alluded to in a letter from the Court of Directors to the Governor General, and the Court of Directors express their hope that the effect of that Proclamation, which they adopt in all its parts, will be extremely salutary. That Proclamation has not yet been presented with the other papers; but I apprehend that there can be no objection to laying it upon the table. Before the noble Earl answers the question, I wish to recall to his recollection and to that of the House that so far back as the 28th of January, General Hearsey communicated to the Governor General that among the Sepoys there was a report that they were to be forced to embrace the Christian faith. On the 11th of February again, General Hearsey says, "We are on a mine ready to explode;" and yet, the cause of danger being the apprehension on the part of the Sepoys that the Christian religion was to be forced upon them, it was not till the 27th of March that the Governor General in Council agreed to a General Order, nor was it till the 31st of March that that General Order was read to the troops at Barrackpore, on the occasion of disarming the 24th Native Regiment; and even then that General Order only went to the extent that the invariable rule of the Government of India had been to treat the religious feeling of all its servants with respect, saying nothing whatever of the future. Then came the proclamation of the 16th of May, which was not issued until after the affair at Meerut. I fear, therefore, that the salutary effect which the Court of Directors anticipated from that Proclamation will hardly be attained. But allow me to call your Lordships' attention to two or three circumstances connected with the papers which have been laid before the House, showing, as I maintain they do, the inefficient manner in which the Government of India has been administered. I find that on the 21st of January, at Dumdum, there was a very strong feeling among the Sepoys that it was impossible for them, consistently with their religious prejudices—as we should call them—or persuasions, to use the cartridges which had been provided for them; and on the 22nd a correspondence commenced on the subject. Eight different letters are written with respect to it, and four days were allowed to elapse before the Government of India and Calcutta became acquainted with that most ominous event, the dissatisfaction upon religious grounds of the Sepoys, which took place within eight miles of the Government House. The Government then began to act. Three more letters were written, and two days more elapse, before it was communicated even at Barrackpore that the objection of the Sepoys was removed, and another day, or nearly another day, must elapse before that communication was made to the Government. On the 28th of January General Hearsey complains of what he considers an improper order, given by the officer commanding the 53rd Regiment, at Fort William, to the officer commanding the wing of that regiment at Dumdum, and an explanation is asked for from that officer. Eight days elapse before the explanation is received; nine letters are written, the officers being within a mile of Government House the whole time, so that in one hour the whole explanation might have been given and received. Again, on the 6th of February, a very important and menacing event occurs at Barrackpore. The Government are not made acquainted with that event until the evening of the 10th, four days afterwards, the distance between Barrackpore and Calcutta being sixteen miles, which might have been got over in a good gallop. The Government did seem rather astonished at this, and asked how it happened. A sort of explanation is given, for, says General Hearsey, "I have no means of communicating anything to the Government; I have no mounted orderly, no express camels. I must always write by the post, and that leaves Barrackpore at the most inconvenient hour of three o'clock in the afternoon." It is in that way, in a time of danger, that business is conducted, when there are the means of sending half-a-dozen mounted men from Barrackpore to meet half-a-dozen from Calcutta, and of thus conveying despatches in the shortest time possible. Does the noble Earl, does any one suppose that if Lord Wellesley or Warren Hastings had been there these things would have taken place? I know what would have been done. The officer at Dumdum would have written his official letter, but he would have got into his buggy, would have driven to Government House in an hour, would have seen the Private Secretary of the Governor General, would have been taken at once to the Governor General, would have seen the Military Member of the Council and the Inspector General of Ordnance, the Governor General would have set off at once to Dumdum, General Hearsey would have been directed to meet him there, and the whole thing would have been arranged on the evening of the 22nd, and in the presence and by the order of the Governor General. If this delay between the 22nd and 29th had been avoided, I know not what would have been the effect in India, especially if the suspicions of the Sepoys had been removed by the presence of the Governor General. All this correspondence may look like business. It may be very agreeable to the Court of Directors to receive every now and then a very large packet and a great many letters; they may be pleased to see the zeal and industry with which their servants in India discharge their duties: but it is perfectly impossible that any Government can be conducted in times of danger, if it be carried on in the manner exhibited by this correspondence. It shows me, and I regret it, that the Government of India is not conducted by the Governor General in person—that it is in the hands of secretaries and clerks; and if it be left in those hands you may depend upon it, the consequences to the public service will be of the most serious character. I notice another important fact in these papers. I think it is impossible for any one who reads them not to come to the conclusion that the objection of the Sepoys to the cartridges was one really founded on religious grounds. I rejoice that it does so appear, because, although undoubtedly in the first instance and at the present time their mutiny, arising from that cause, destroys the confidence which we have hitherto placed in them, it does not preclude the revival of that confidence under more favourable circumstances, when their minds have been brought to a just sense of the real facts. We must endeavour to disabuse their minds, and to satisfy them not only that the Government never did, and that it does not now, but that it never will, interfere in the smallest degree with their religion. In the meantime, no doubt, it is our duty to put down by our arms an armed rebellion in the field. But I must say that a mutiny arising from such causes is, in some measure, to be pitied while it is condemned. My Lords, that confidence we must in some manner restore. I feel satisfied that, take what precautions we may, it is impossible for us to carry on the Government of India unless we can re-establish our confidence in the Sepoy. Our efforts must be to restore his confidence in us; and I do hope that at no distant time we may again rejoice in the possession of an army on whose fidelity we can rely, as we have hitherto relied on the native army of India. My Lords, there are many matters arising out of the telegraphic communication received yesterday upon which I am very desirous of offering an opinion. But I think, considering that in all probability we may obtain further information by this time to-morrow, it will, perhaps, be better to postpone my observations until then.

EARL GRANVILLE: I am unable to

explain why the Proclamation alluded to by the noble Earl was omitted from the printed despatches; but I am quite sure there can be no objection to furnish it, and I will make it my business to present it as early as possible. With regard to the criticism passed by the noble Earl upon the mode of conducting business in India, of course I cannot pretend to such authority on this point as he possesses. But of this I am clear, that whether at times of crisis or not, the duties of the Governor General are best discharged at the seat of Government, and that no good purpose would be attained were the Governor General to make it a practice to move about the country to support the military authorities, and to remove any suspicions that might be entertained by the Native troops As to the statement just made, that the Government of India is now carried on by secretaries and clerks and not by the Governor General, I am truly at a loss to know upon what it is founded. I can only say that all the information I have received leads me to believe that the Governor General is watching in the most vigilant manner everything which is taking place. And what is better even than the assertions made by a noble Earl well acquainted with these matters is, that if I have seen one I have seen a dozen letters from different parts of India, written by persons most competent to judge, who one and all, without a single exception, say that Lord Canning has risen immensely in the estimation of the whole European community in India, and is regarded by all as having proved himself fully equal to the emergency.

The Earl of ELLENBOROUGH: I drew my conclusions from the papers on the table, and from those alone. Dumdum is only eight miles from Calcutta, and the whole thing might have been arranged in an evening drive.

The Duke of ARGYLL: My noble Friend, owing to the pressure of other business, has not perhaps been able closely and critically to examine these depatches. I took some pains to look into them this morning, and my impression certainly is that the noble Earl has very much exaggerated the importance and extent of the delay which took place on this occasion. On the 22nd of January, Lieutenant Wright, the officer commanding this small firing party at Dumdum, first reported to his immediate superior, that there was, not a mutinous spirit, but a feeling of uneasiness among the men, with respect to the grease used in their cartridges. Major Bontain reported to General Hearsey, who was at Barrackpore, and he reports to the Supreme Government at Calcutta. He suggests to the Governor General that the men should be allowed to purchase their own grease in the bazaars—that the cartridges should be served out without any grease, so that the men might be perfectly sure as to the ingredients it contained; and he further suggests that as the feeling seems to be increasing among the men the Governor General should telegraph to the stations in Upper India, recommending that the same measures should be taken there. Well, my Lords, on the very day on which that letter was received, Lord Canning returns an answer, desiring General Hearsey no longer to issue greased cartridges to the men, but to allow them to purchase their own grease. Not only that, but he telegraphs instantly on the same day to the Adjutant General at Meerut — the very place where the mutiny subsequently broke out—and also to Umballah, as far as the electric wires extend, ordering the same precautions to be observed there. In all these proceedings a delay of four days only takes place. The Governor General is known to be a man of very active, businesslike habits; and I must say that in asserting that the Government of India is carried on now through clerks and secretaries, the noble Earl is making a very unfair imputation, and is doing something — although I am sure that it is not his intention—to diminish the power and authority of the Governor General at a most difficult crisis.

The Earl of ELLENBOROUGH: All I referred to was the manner in which this correspondence seems to have been conducted, and the delay which took place. The communication was made from Dumdum on the 22nd; three or four letters passed. General Hearsey's letter was written on the 23rd, the letter of the Governor General on the 27th, and it is not until the morning of the 28th that General Hearsey receives permission to do that which he recommended in his letter on the 23rd. The probability is that the contents of the Governor General's reply were not known at Dumdum until the 29th, but certainly not until the 28th; and I do think that that delay, the stations being only eight miles apart, is one which ought to have been avoided by any Government under any circumstances.

LORD PANMURE observed, that it was all very well for the noble Earl opposite to say that business should be done as rapidly as possible, but business and especially military business, should be always done in order. The Report from the officer in command of the party at Dumdum was made, as it ought to have been made, to his commanding officer, who had reported it to the General of Brigade, General Hearsey, who not thinking it of pressing importance, waited to communicate to the Government by the post. He could have sent his aide-de-camp. If that had been done, the whole business would have been conducted in a strictly military way. In the present state of their knowledge, it was premature to come to any decision; but it appeared to him that if any strictures were to be made they should rest on General Hearsey, for not having sent his aide-de-camp on to Calcutta. Certainly the Governor General was not to blame.

THE EARL OF ELLENBOROUGH said, the noble Baron would find that under the present sytem letters had to be written by eight different persons before anything came to the knowledge of the Governor General.

REFORMATORY SCHOOLS BILL.

COMMITTEE.

House in Committee, (according to order).

Clauses 1 to 11 *agreed to*, with verbal Amendments.

THE EARL OF CARNARVON *presented* Clauses, the object of which was to prevent the evils and inconveniences which would arise from the association of children of different ages in reformatory schools. The managers of reformatory schools objected to receive under the same roof boys of nine, ten, and eleven years of age and young men of nineteen and twenty. They disliked to receive boys, indeed, of a greater age than fourteen, and thus boys between fourteen and sixteen were practically excluded from the benefits of these institutions. The effect of his clauses would be to extend the age of admission from sixteen to twenty, but not to alter the age of detention. The second clause would prevent boys of different ages from associating with each other. Reformatories were growing up for the senior class of juvenile offenders, and they were greatly wanted. About 25 per cent. of the offences against property were committed by young persons between the ages of sixteen and twenty-one. Great allowances ought to be made for these youthful offenders, because they had arrived at an age when the influence of home were at the weakest, and when the temptations that surrounded them were greatest. The consciences of offenders of this class were not hardened, and their minds were more impressionable and more easily influenced by kindness and exhortation than at any period of their lives. He did not propose to establish adult reformatories, which was a question of a different character, but only to make some alterations in the internal arrangements of these reformatories. The noble Earl concluded by proposing the clauses in question.

THE EARL OF HARROWBY said, that the reformatory system had been somewhat misunderstood by the noble Earl. Reformatory schools were voluntary institutions, and the managers being aware of the inconvenience of admitting young men to associate with the boys frequently refused to admit those who were above sixteen years of age. It might be desirable that the doors of reformatory institutions should not be shut against young men of sixteen and upwards, but the managers of reformatory institutions could not be compelled to admit them. It could not be said that young men of sixteen and upwards committed crimes in ignorance of the law, and the prison arrangements of well-managed gaols were expressly framed with a view to their discipline and moral improvement.

Amendments *negatived.*—Amendments made; the Report thereof to be received on *Tuesday* next.

ESTABLISHED CHURCH (IRELAND).

PETITION.—ASSAULTS ON SCRIPTURE READERS IN IRELAND.

VISCOUNT DUNGANNON, in pursuance of notice, *presented* a petition from the Protestant Inhabitants of St. Nicholas Without, in the city of Dublin, agreed to at a very large meeting of the parishioners, and signed on their behalf by the ministers and churchwardens, praying that legal Protection may be given to the Protestants of Ireland for the free execise of their Religion. The noble Lord said, the Petitioners sought to be protected from mob violence, and that their ministers, Scripture-readers, and school children may have awarded to them the protection of British law, and that magistrates and the police force may be compelled to an impartial discharge of their duty. The noble Viscount said, that for some considerabe time the parties to the petition had been exposed to repeated insults, and even to absolute personal injuries and assaults at the hands of the Roman Catholic portion of the inhabitants of the parish; and that on the evening of the 12th of May last, in particular, a very large body of Roman Catholics assembled together and committed assaults upon a number of persons who were on their way to the Protestant schools as teachers. Amongst the individuals so ill-used he regretted to say there were several ladies of the highest character and respectability; and when the police were called upon and entreated to interfere, they not only declined to do so, but seemed, by their gesticulations, rather to give encouragement to the mob in their lawless proceedings. The petitioners represented that it was with no ill-feeling towards their Roman Catholic neighbours that they approached their Lordships' House, and that all they asked was that the same extent of protection shold be granted to them that was granted to the Roman Catholics of Ireland; otherwise, as they certainly not without justice said, Roman Catholic emancipation would be the means of bringing about Protestant thraldrom. Now these occurrences, as he had before remarked, had taken place not once or twice, but repeatedly; and on the 12th of May, not merely were various persons injured, but the houses of the parents who sent their children to the Protestant schools were broken open, ransacked, and the furniture torn to pieces, whilst outrages were committed even upon the Church of St. Nicholas itself, and the Protestant minister of the parish was constantly subjected to outrage and annoyance on his way to the union. It was much to be lamented that any necessity should have arisen for placing a petition of this description upon their Lordships' table. It was much to be regretted that even-handed justice was not dealt out to all parties in the sister country, and that the constabulary, who had been appointed to maintain order and preserve the peace, had utterly neglected to do their duty when there happened to be any matter at issue between Roman Catholics, of which persuasion many of the police were, and persons of the Protestant persuasion. Unfortunately also, in other parts of Ireland, the same feeling had been exhibited by Roman Catholic magistrates in deciding upon cases in which persons of their own communion and Protestants were concerned. No petition that had ever been presented to their Lordships' House was couched in more moderate terms than this. All the petitioners asked was the freedom of attending public worship and giving instruction in their own schools. And the petition was a reasonable one; for if the Roman Catholic population were to be allowed to have their schools and bring up their children in the faith they believed to be right, the same privilege ought not to be denied to Protestants. In presenting this petition he could not avoid expressing the opinion, that, however little attention such complaints might receive at the hands either of the Government in Ireland or of the Parliament in this country, the time would surely arrive when neither the Government in Ireland nor the Legislature in England would be able longer to turn a deaf ear to them. Such acts as he had described were disgraceful both to the Executive and the Legislature, and he did hope the matter would be seriously considered by her Majesty's Government here; that means would be found of putting an end to these disgraceful proceedings; and that the Protestants of Ireland might have secured to them what every British subject had a right to claim, the free exercise of their religious worship without being liable to molestation, injury, insult, and brutal violence.

EARL GRANVILLE said, that those who had only heard the speech of the noble Viscount would form a very erroneous impression as to what had taken place. He would not trouble their Lordships by reading the papers which had been put into his hands, but he could assure them that much blame attached to both the parties which had been concerned in this unfortunate affair. But the same accusation had been made on each side with regard to the partiality of the police to the other, and the same sort of application to the Government, professing a desire for peace, but insisting upon having everything their own way. For the purpose of preserving the peace the police were directed to keep near the schools, and they did so in considerable force day and night. The result of their exertions was, that various persons had been taken before the magistrates, charged with being concerned in the outrages which had been committed, and sentence had been passed upon these persons. Upon reading the papers before him, it was impossible not to see that the Government of Ireland had acted with the firmest determination to maintain order and prevent the recurrence of these outrages; and what was more, the measures adopted had been perfectly successful. The noble Viscount had spoken as if he represented the entire body of Protestants in Ireland, instead of the Dublin Protestant Association. The noble Viscount said that the petitioners were actuated by the kindest feelings towards their Roman Catholic fellow-subjects; but if they were so, the language they had used elsewhere was certainly not calculated to lead to that conclusion; for in a placard which had been published by the Dublin Protestant Association, they compared themselves to the Apostle Paul, and Roman Catholics to the worshippers of the "unknown God." Surely that was not the language to be used by persons who were conscientiously desirous of promoting peace and good will. He must remind the noble Viscount who was so active in bringing forward these cases, that, while the Government had no difficulty in quelling this particular riot in Dublin they had had great trouble with most serious riots in Belfast, which had owed their origin to those Orangemen of whom he condescended to be the patron; and he thought that the noble Viscount was one of the last persons who ought to charge the Government with persecuting the Church of Ireland.

Viscount DUNGANNON said, he had not stated upon what party the greatest blame was to rest, but he ventured to say that he was no patron, as the noble Earl appeared to assume, of any party who would resort to such irregularities. Although he had a connection with the Orange institution in Ireland, and held high office in it—namely, that of Grand Master of the county of Antrim—it had been his invariable practice, previous to the occurrence of any anniversary, to issue a circular, cautioning the members of the institution over which he had control carefully to abstain from anything that might tend to a breach of the peace or a violation of the law. He could assure their Lordships that he would be the last man in the world to encourage the display of any violent feelings towards those who differed from him in creed. He was in no way responsible for any expressions which had emanated from the Dublin Protestant Association, inasmuch as he had never been a member of that Association. He had always abstained from connecting himself with institutions of that description; because, happening to be a landlord of both Roman Catholics and Protestants, he considered that his best course was to steer clear of soieties which had for their object the conversion of their Roman Catholic countrymen, and he had never sanctioned the use of any sort of expression which disturbed Christian feeling, or showed a want of charity towards those who professed a creed that differed from his own. Nothing was further from his intention than to charge the Government with persecuting Potestants. True, he thought that Protestants had not had that even-handed justice dealt out to them which they had a right to demand; but, he repeated, he should be the last person in the House to encourage or sanction, on the part of the Protestant body, anything that might partake of an unchristian feeling, or an absence of charity towards those persons of another persuasion.

Petition to lie on the table.

House adjourned at Seven o'clock till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 30, 1857.

Minutes.] Public Bills,—1° Prisoners Removal. 2° Constables (Detached Parts of Counties); Boundaries of Burghs Extension (Scotland); General Board of Health Continuance. 3° Valuation of Lands (Scotland) Act Amendment.

POLICE (SCOTLAND) BILL—COMMITTEE.

Order for Committee read;

House in Committee.

Clause 24 to 36 *agreed to;* Clause 37 *struck out;* Remaining Clauses *agreed to.*

The LORD ADVOCATE moved to add a Clause to exempt the counties of Orkney and Shetland from the operation of the Bill.

Mr. STIRLING objected to the exemption. He could see no reason for it.

Mr. DUNDAS said, he should support the clause, as there was no necessity for a police force in those poor and sequestered districts.

Mr. CRAWFURD said, if these islands were exempted from the Bill, they would become a regular asylum for criminals.

Sir EDWARD COLEBROOKE remarked that he also should support the clause. A police force might be necessary in one or two islands, but a number of them were so small as not to require it, and ought not to be taxed for the benefit of the others. Criminals might cross the water to these islands, but they would find nothing when they got there.

The LORD ADVOCATE said, the ground of exemption was that from the insular position of the islands there was less necessity for an organized force for the repression of crime. He would not, however press the clause against the wish of the Committee.

Clause *withdrawn.*

Clause A.

THE LORD ADVOCATE moved a Clause to exempt police horses and police vans from toll on roads, bridges, and ferries.

Clause *brought up* and read 1°.

MR. MACKIE objected; there were already too many exemptions from tolls in Scotland.

Question put "That the Clause be read a second time."

The Committee *divided*:—Ayes 58; Noes 0: Majority 58.

Clause added to the Bill.

Other Clauses *added.*

Clause D, regulating the mode of assessment for the purpose of the Act, brought up and read 1° 2°.

MR. STIRLING said, he should move an Amendment, to the effect that the tenant and proprietor of lands should pay equal portions of assessment. He thought the tenant should be liable to this payment, as the establishment of a police was quite as much for his benefit as for the benefit of the landlord.

Amendment proposed, in page 11, line 17, to leave out from "may be levied" to "him," in line 20, and insert "shall be levied in equal portions on the proprietor and tenant of all such lands and heritages."

THE LORD ADVOCATE said, that the proposition did not appear to him to be of very much importance, still he said he was anxious to ascertain the wishes of hon. Members upon that point. In the Bill, as it was originally framed, it was provided that the whole charge should fall on the tenant, but by a change introduced into the measure it was laid down that all should be borne by the landlord. In any case he thought it was clear that the landlord would in the end have to make an allowance to the tenant for the payment. On the whole he thought it best to leave the clause as it stood.

COLONEL SYKES said, he conceived that the Amendment would only tend to complicate the matter. If the burden were thrown on the tenant, he would have to make an arrangement with his landlord for the repayment.

SIR WILLIAM DUNBAR said, he should support the Amendment. By the Bill power was given to boroughs to consolidate with counties for police purposes. In many Scotch boroughs the assessment was entirely levied on the tenant, and, in the event of consolidation taking place, the entire burden would by the present Bill be taken off the shoulders of the tenant and thrown on the landlord, unless the Amendment were adopted.

Question put, "That the word proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 57; Noes 16: Majority 41.

Clause *agreed to.*

Clause, (Her Majesty in Council, on the representation of Burghs, to arrange terms of consolidation with Counties,) brought up.

SIR JOHN OGILVY said, he would propose an Amendment to omit the latter part of the clause, making it lawful for Her Majesty, with the advice of her Council, to vary from time to time the terms of consolidation.

Amenment proposed,

In page 24, line 17, to leave out from "Act" to the end of the Clause, and insert "That it shall not be lawful for either party to alter or put an end to such consolidation in the manner hereinbefore provided till after the expiring of two years from the date of such consolidation."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 79; Noes 12: Majority 67.

Clause *agreed to.*

House resumed.

Bill *reported*, with Amendments; as amended, to be considered on *Monday* next.

NEW ZEALAND LOAN GUARANTEE BILL.

SECOND READING.

Order for Second Seading read:

Motion made and Question proposed, "That the Bill be now read a second time."

SIR JOHN TRELAWNY said, he trusted the House would not sanction this Bill without having a statement from the Government of the grounds on which they were asked to guarantee a loan of £500,000 to New Zealand. He did not himself think that the loan rested on good security; and as he had waited in the House on several occasions until past one o'clock in the morning without having heard any explanation on the subject from the Government, it was now his intention to move that the Bill be read a second time that day six months. Of that sum proposed to be lent to the colony, £120,000 were to be appropriated to the redemption of the colonial debt; £200,000 were to be paid to the New Zealand Company, in respect of former transactions, £180,000 to be applied towards the extinction of the rights of the natives in their lands. With regard to the natives, he thought this country was not dealing with them in a straightforward manner, for they had been induced to give up their property for a mere nominal price upon promises which had not been kept. It was true that a Committee, consisting of eight Members, had reported in favour of the Bill, but he must observe, without wishing to question their desire to act justly, that three or four of them had been connected with the Colonial Office, or entertained feelings of interest for the colony; and the only witnesses examined were the permanent Under Secretary for the Colonies and the Prime Minister of New Zealand. This proposed loan was in fact nothing but hush-money, in order that all discussion about past transanctions might be put an end to. The Amendment moved in the Select Committee by the hon. Member for Oxfordshire, for the purpose of reducing the loan by a sum over £100,000, satisfied him that at all events a certain portion of the money ought not to be guaranteed by the House. It was true that the Bill had been recommended by the Colonial Assembly, but a portion of the assembly did not assent to that recommendation, and consequently there was no certainty that the Colonial Legislature would take measures to raise the interest on this loan; this absence of unanimity was a reason among others, for delaying the consideration of the Bill till another Session. The colony of New Zealand could obtain the loan in the money market at 8 per cent, and he did not see why the British Government should, under the circumstances, guarantee a loan with respect to which it was anything but certain that the security was good in order that they might obtain it at 4 per cent.

Mr. W. WILLIAMS, in seconding the Amendment, said he was at a loss to conceive why the Government should, in the present state of the public finances, agree to give a guarantee on a loan for so large an amount. It appeared that the colony could not raise the loan itself in the London money market at less than 8 per cent—a fact which clearly proved that the security was very questionable.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. LABOUCHERE said, that the purpose of the Bill was to enable the Government to guarantee a loan of £500,000 for the colony of New Zealand, and thereby to assist that colony under the financial difficulties in which it was involved to effect certain important political objects. He admitted that the proposition was one which that House ought carefully to consider, but there might be cases in which the country, with no cost to itself, might afford important assistance to a British colony by lending its credit to enable the colony to raise money for objects Imperial as well as colonial. The statement that the colony of New Zealand could only raise money at 8 per cent, whereas under the guarantee of this country it would obtain money at 4 per cent, must not be taken as a proof that the colony had not resources to pay the debt; for it was not to be expected that a new colony, whatever might be its resources, would find its name stand so high in the money market as that of a country like England. The proposition to guarantee a loan for a colony was no new principle, but had been acted upon at several periods, as, for instance, in the case of Canada and the West Indies. When he assumed the administration of the Colonial Office he found that his predecessor, the noble Lord the Member for London, had written a despatch offering to recommend that Parliament should guarantee a loan to New Zealand to the amount of £200,000, in order to enable that Colony to wind up the long and complicated affair which had arisen out of the relations between the New Zealand Company and the colony. The answer to that proposal came to him, and was to the effect that the colony had declared by its Legislature that it did not think itself justified in accepting it, if confined merely to the object mentioned; that the settlement of that affair would affect only a portion of New Zealand; that there were other and larger objects which they wished to accomplish, and that they could only fairly mortgage the colonial revenues to effect these more extended objects. Consequently, the Legislature of New Zealand passed an Act authorizing a loan of £500,000 instead of £200,000. A guarantee for the loan of £500,000 was therefore asked for by the colony.

He felt it his duty to look most carefully into the subject, and he came to the conclusion that the reasons given by the colony for the extension of the loan were good and valid; but not wishing to rely entirely on his own judgment before he submitted the matter to the House, he proposed that it should be examined into by a Select Committee as the most fitting tribunal to consider the matter. Something had been said about the composition of that Committee, but when he read the names of the Committee it would be seen that it consisted of hon. Members on whose judgment and independence the House could place reliance. Besides himself the members of the Committee were, —Lord J. Russell, Lord Stanley, Sir J. Pakington, Mr. Adderley, Mr. J. A. Smith, Mr. Henley, and Mr. Wise. The fact that Mr. J. A. Smith had been connected with the New Zealand Company and Lord J. Russell with the Colonial Office constituted no reason why they should not be proper persons to consider a colonial matter. He had attached much value to obtaining the assistance upon the Committee of two Members of the ability and acuteness which distinguished the noble Lord the Member for Lynn (Lord Stanley) and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). The noble Lord's name did not appear in the division upon the Amendment moved by the right hon. Member for Oxfordshire, but in a letter the noble Lord assured him that he approved of the gaurantee to the full extent proposed, and with respect to the right hon. Member for Oxfordshire, though he objected to the guarantee, as far as part of the sum was concerned, he did not dissent from the principle of the proposition. The Committee looked into the question of security, and it was quite plain that unless the colony should be guilty of a gross breach of faith, it must have abundant means to pay the debt, the Customs' duties yielding £100,000 a year, and the land fund £80,000. He believed the proposed guarantee was most essential to the interests of the colony of New Zealand, and that the loan would enable it to place its financial and political affairs on a substantial footing. He therefore hoped the House would so far sanction the Bill as to allow it to pass the second reading.

Mr. GILPIN said, he should support the Amendment, as he thought the true policy to pursue with regard to the Colonies was to make them, as soon as possible, entirely independent as regarded their financial affairs, and he looked upon this Bill as a step in the wrong direction. He should like to know the opinions entertained with respect to the Bill by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who it appeared had divided in the Select Committee against a part of the proposed arrangement.

Mr. HENLEY rose in reply to the appeal made to him, but ten minutes to four having arrived, he was interrupted, after he had only uttered a few words, by

Mr. SPEAKER, who, in accordance with the standing orders, declared the debate to be adjourned.

Debate *adjourned* till *this day*.

INDIA—ANSWER TO THE ADDRESS.

The COMPTROLLER of the HOUSEHOLD (Lord Castlerosse) appeared at the Bar, and read Her Majesty's answer to the Address of the Commons on the Affairs of India:—

> "I thank you for your loyal and dutiful Address, and for the assurance of your cordial support in any measures which I may consider necessary for the suppression of disturbances in India, and for the permanent establishment of tranquillity and contentment in that important portion of My Dominions."

THE SLIGO ELECTION.—QUESTION.

Mr. SOMERS said, he would beg to ask the Chief Secretary for Ireland whether he has received any information respecting the recent Trials at Sligo arising out of the late Elections, and the systematic exclusion of persons professing the Roman Catholic religion from the juries empanneled to try the traversers?

Mr. H. A. HERBERT in reply said, that his hon. Friend appeared from the wording of the question of which he had given notice to have rather too hastily assumed that a system of exclusion of Roman Catholics had existed at certain trials arising out of the late election at Sligo. On seeing the notice on the paper he (Mr. Herbert) had written to Ireland for information, and held in his hand a copy of a letter from Mr. Todd, Crown Solicitor for the county of Sligo, in which that gentleman distinctly denied that any such exclusion had existed. He said that the jury had been originally empanneled to try a case which was not a political one, and that when that case was disposed of the accused had been asked if he had any objection to the jury in the box. No objection having been made, the trial proceeded in the usual manner. There had therefore been no contrivance or management whatever in the empanneling the jury, and Mr. Todd was entirely ignorant whether the members of it were all Protestants or not.

STATE OF THE THAMES.—QUESTION.

MR. ADDERLEY said, he wished to ask the First Commissioner of Works whether he has any plan for the prevention of the pestilential stench which comes every evening into every window on the river front of the Houses of Parliament. Whether there is any power to enforce better trapping of the drains, or a removal of the deposits of bones and other refuse on the opposite bank; or whether legislation for the purpose is necessary; or, if there be no redress, whether any plan has been suggested by which the stench may be shut out of the Houses by closing up all the windows on the river side, and admitting air from another direction.

SIR BENJAMIN HALL said in reply, that he must inform his hon. Friend that the drainage of the Metropolis was not under the control of his department, but under that of the Metropolitan Board of Works. Since representations had been made to him as to the annoyance caused to hon. Members and Officers of the House by the stench from the river he had been in communication with Mr. Goldsworthy Gurney, and he had that morning been informed by that Gentleman that the stench came from the open mouths of the sewers, and that the whole neighbourhood was infected with it. Some hon. Gentlemen imagined that the stench proceeded from beneath the floor of the House, but Mr. Gurney stated that it was entirely attributable to the abominable state of the sewers and of the river Thames. There was, however, another cause of the nuisance. Mr. Gurney said in his report of to-day :—

> "I am informed that the great Victoria sewer going up Parliament Street has lately broken in somewhere about Whitehall Yard, and that all the sewage which used to go through this large sewer was forced down the Bridge Street sewer; that lately, in order to empty Grosvenor Basin, they passed the whole of the water and mud down this small sewer. The result was the 'blowing up,' as it is called, of the trapping at the mouth of the sewer. This fact has considerably augmented the pestilential state of the atmosphere of the river and the whole of the neighbourhood."

He (Sir B. Hall) had communicated these facts to the Metropolitan Board of Works, and he had every reason to hope that they would take immediate steps to abate the nuisance. There was, however, another great source of annoyance in the offensive trades which were carried on upon the opposite bank of the river, the effluvium of which was wafted over to this side, and he wished particularly to call the attention of the House to what took place in 1855, when a Bill was introduced with the object of suppressing nuisances in large towns. Under the provisions of the Bill for the Removal of Nuisances which was referred to a Select Committee, and which was reported to that House on the 9th of May, 1855, after the most careful consideration, ample power was given to local authorities to suppress nuisances arising from trades emitting effluvia offensive or injurious to the health of the inhabitants of the neighbourhood. By section 28 of that Bill local authorities might proceed against parties on complaint of any medical officer or two legally qualified medical practitioners; and by section 29, in case the parties proceeded against should object to the jurisdiction of Justices in petty sessions, they might enter into recognizances and go to quarter sessions, thus giving an option to the accused parties. There was also another clause, section 31, imposing a penalty on the local authorities if they did not proceed within fourteen days to abate the nuisance; and this was the very essence of the Bill. The bone-boilers and others opposed; they commenced a most active canvass of hon. Members, and in Committee of the whole House the clause relating to offensive trades was altered. The clause with reference to quarter sessions was struck out, and parties were compelled to take proceedings in the Superior Courts; the course of proceeding was thus rendered much more difficult, and to complete the whole the clause imposing a penalty on local authorities was rejected. The consequence was that the public were completely in the hands of the local authorities, and if it should so happen that some member of the local board carried on an offensive trade there was not much hope for the public. Now that was how the case stood at present, and on looking into *Hansard* that morning to refresh his memory, he found that his hon. Friend who had put this question was one of those who had assisted in cutting down the powers proposed to be given by the Bill, and, consequently, had been most instrumental in bringing about the present state of things, by procuring the rejection of the provision to which he (Sir B. Hall) had referred.

REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS IN IRELAND.—QUESTION.

Mr. ESMONDE said, he wished to ask the right hon. Gentleman the Chief Secretary for Ireland, if it is the intention of the Government to introduce in this or the next Session a measure to provide for the General Registration of Births, Marriages, and Deaths in Ireland?

Mr. H. A. HERBERT said, it was not the intention of the Government to introduce a measure of that kind during the present Session. The subject, however, was one of great importance, and his attention should be given to it.

COMMISSIONS IN THE TWO ORDNANCE CORPS.—QUESTION.

Mr. G. A. MAMILTON said, he would beg to ask the Under Secretary for War, whether it is the intention of Government (after the Gentlemen Cadets of the Royal Military Academy at Woolwich admitted previous to Christmas, 1855, shall have received their Commissions in the Royal Artillery and Engineers) to bestow all the Commissions in the two Ordnance Corps upon candidates who have obtained their Cadetships at Woolwich by means of an open competitive examination, as at present, and in conformity with the memorandum of the Secretary of State for War, dated January, 1856?

Sir JOHN RAMSDEN said, he was afraid he could not at that moment give any answer to the question asked him by the hon. Gentleman. The whole question of the reorganization of the Military Academy at Woolwich, and the Royal Military College at Sandhurst, was referred to the Council on Military Education, and no recommendation had yet been made by the Council to the Government, who were therefore not in a position to say whether the course mentioned by the hon. Gentleman had been taken.

THE MILITIA BOUNTY.—QUESTION.

Colonel GREVILLE said, he would beg to ask the Under Sectretary for War, At what period, and how, it is the intention of the Government to pay this year's instalment of their Bounty, to the men of those regiments of Militia who are not called out for training?

Sir JOHN RAMSDEN said, the precise date at which the Bounty was to be paid had not yet been fixed; but a document would very shortly be issued to the Officers commanding the various regiments by which the information asked by the hon. and gallant Member would be furnished.

CIVIL SERVICE SUPERANNUATION BILL. QUESTION.

Mr. SEYMOUR FITZGERALD said, he would beg to ask the First Lord of the Treasury, What course the Government propose to pursue with reference to the Civil Service Superannuation Bill, the Second Reading of which was carried yesterday by so large a majority?

Viscount PALMERSTON: Sir, Her Majesty's Government felt it their duty to state to the House at considerable length the objections they felt to the Bill proposed by the noble Lord opposite (Lord Naas), considering that the effect of it would be to add a very large sum, to the annual expenditure of the country. But the House having in a very full attendance and by a very considerable majority confirmed the second reading of the Bill, of course Her Majesty's Government would not deem it respectful to the House to offer any further opposition to the progress of the measure.

Mr. GLADSTONE: In connection with this subject I beg to ask the noble Lord at the head of the Government whether it is the intention of the Government to institute any revision of the salaries of persons holding offices in the Civil Service in connection with the removal of the deductions to which they are liable.

Viscount PALMERSTON: The effect of the Bill will be to add 2½ per cent in some cases, and 5 per cent in others, to those salaries; but the only revision that would naturally arise out of it would be a revision by which the salaries would be diminished in proportion to the alteration made by the Bill, which I think would hardly be consistent with the decision of Parliament.

THE INDIAN MAIL TELEGRAPH. QUESTION.

Mr. STAFFORD said, he wished to ask the First Lord of the Admiralty a question on a subject which had given rise to some anxiety and curiosity in this country. He alluded to the delay which had occurred in transmitting the Indian news by telegraphic message from Trieste. He wished to know if the right hon. Baronet could explain how that delay had been occasioned?

Sir CHARLES WOOD: Sir, I am not able to give any reason why the message was not received in London earlier; but I wish to state the facts so far as they are within our knowledge. The steam-vessel arrived at Trieste at nine o'clock on Tuesday morning. The Consul at Alexandria had been directed to forward the intelligence to the Consuls at Marseilles and Trieste, and that intelligence was forwarded by him to the Consul at Trieste. The Consul at Trieste forwarded a telegraphic message to the Foreign Office here at half-past ten o'clock on Tuesday morning, but that message was not received at the Telegraph Office in London until half-past twelve o'clock on Wednesday. How the delay happened we don't know, but it certainly took twenty-six hours to transmit the intelligence from Trieste to London. The East India Company received a telegraphic despatch at the same time after a delay pretty nearly equal to that which had taken place in transmitting the Government message. I have received this morning a message from Malta, *via* Cagliari, to the same effect as the previous one from Trieste.

MR. WARREN said, he wished to know if the First Lord of the Admiralty had instituted any inquiry into the cause of the delay?

SIR CHARLES WOOD said, a very short time had elapsed since the circumstance occurred, but of course the Government would immediately institute an inquiry into the reason of the delay. That delay was not attributable to any accident or omission on the part of the Government.

PUBLIC BUSINESS—RESOLUTION.

VISCOUNT PALMERSTON moved that upon Tuesday next, and on every succeeding Tuesday during the Session, Government Orders of the day should have precedence.

MR. HADFIELD said, he took that Motion as a hint that the House was to set itself in order, and he begged to ask what course the Government meant to take with regard to the great number of Bills already before the House and which received fresh accretions daily. No fewer than twelve new Bills had been sent to him that morning. There was already a considerable number of Bills before the House partly discussed, and a great many more on important subjects might be expected from the House of Lords daily. It was desirable to know under those circumstances precisely what course would be taken by the Government, and especially whether they would proceed with the Divorce Bill and the Probate and Letters of Administration Bill. Another very important measure, the Jew Bill, had been set down for a second reading, and considering the anxiety felt by the public, he thought the intentions of the Government on this subject also ought to be stated.

MR. MALINS said, he also wished to inquire whether it was the intention of the Government to proceed with the Probate Bill to-morrow, and, if so, whether it would be made the first Order of the day?

MR. STAFFORD said, he begged likewise to remind the House that the Public Office Extension Bill, which would involve an enormous outlay of public money, stood for to-morrow, and he wished the noble Lord at the head of the Government to state whether he meant to postpone it for the present Session, or, if not, whether he would give an assurance that it would not be taken at two or three o'clock in the morning, when the probability was that owing to more than half the Members having retired through fatigue, it would pass *sub silentio.*

LORD JOHN RUSSELL: Before those questions are answered, I wish to ask another with respect to the Order which is stated to have been made by the House of Lords and which affects Bills going up from this House. It is said that the House of Lords have made an Order with reference to the reception of Bills after a certain day fixed, namely, the 7th of August. Now, the power that has been used in that respect on former occasions by the House of Lords has been a very extraordinary one, and nothing that I can conceive but the abuse which took place for some years of going on between five and six months considering Bills here without sending them to the other House could be a sufficient justification for the assumption of that power. But, in the present case, not more than three months will have elapsed by the 7th of August since business commenced. Such an Order is equivalent to an Order in ordinary Sessions, that after the 1st day of May the House of Lords will not consider any Bill sent up to them. It seems to me that if this has taken place, and, more especially, if it has taken place with the consent of the Government, it is a course of proceeding of which the House of Commons has a just right to complain. Moreover, I think the House has a special right to complain of the Government, because the Government has had more than the usual number of days, and now my noble Friend is proposing an additional day on which the Bills of individual Members will be postponed for the Bills of the Government. It is very possible that by hurrying on all their own business the Government may meet the House of Lords by the 7th of August, while private Members, having no power to push their Bills forward against the weight of the Government, will not have an opportunity of having their Bills considered. The Bill to which reference has been made, the second reading of which the Government refused to promote, may be carried through its remaining stages in a few days, but it is quite in the discretion of the Government to defeat the Bill by delay. I do not mean to say that they will have recourse to any such power, but it ought not to be in the discretion of the Government to prevent business which they do not like in order to promote business which they do. I must repeat that this proceeding on the part of the House of Lords cannot be justified. I hope it is not true that the Government gave any countenance or support to the Resolution, because it will, in effect, if it goes on in this way, be a subversion of the legislative powers of this House.

Mr. GLADSTONE: In order that there may be no misunderstanding or misapprehension on the question, I beg to announce that after the House goes into Committee upon the Civil Service Superannuation Bill I will make such a statement of the bearings of the measure as I think fitting, and will call the attention of the Committee to the recommendations of the Royal Commissioners and of a Committee of the House of Commons. I have no intention, I assure the noble Lord, of offering any factious opposition to his Bill, but I think some explanations are necessary with reference to it.

Lord NAAS said, he should certainly move to-night that the Speaker leave the chair. It was impossible he could consent to postpone it.

Mr. BERESFORD HOPE remarked that he had understood, from what had fallen from the Treasury bench, that the Public Offices Extension Bill would not be proceeded with until the Committee of Supply had voted the sum of money necessary for the purpose. On that question coming under the consideration of the House, he had given notice that he intended to move for a Commission upon the subject, which Motion he should certainly persist in.

Sir BENJAMIN HALL said, that as respected the alteration contemplated to be made by the Public Extension Bill between Fludyer Street and Charles Street, the Bill had passed through Committee on the express understanding that nothing further should be done in the matter until the money had been voted in Supply; and that understanding would be faithfully adhered to.

Mr. BRISCOE hoped that the noble Viscount would postpone the consideration of this important question, which involved an enormous outlay, till next Session. He objected altogether to an item of between £200,000 and £300,000 being placed on the Estimates at this late period of the Session for such a purpose.

Viscount PALMERSTON: I will endeavour to answer the various questions which have been put. If my hon. Friend who has just sat down alludes to the large plan, called the block plan, I can assure him the Government have no intention of asking the House to proceed with a plan that would involve an expenditure of several millions, without the fullest discussion; there is no intention to proceed with that plan immediately. That which is of importance is to build three offices for the Foreign, the War, and the Collonial Departments, the present buildings being exceedingly ill-adapted and out of repair. The hon. Member (Mr. Hadfield) opposite asks what are the intentions of Her Majesty's Government with respect to certain Bills now before the House. With respect to the Probate and Divorce Bills, Her Majesty's Government consider those Bills of great importance. They have long been before Parliament in one shape or another, and I trust the House will give time and attention to those measures in the present Session. If the Divorce Bill, the second reading of which my hon. and learned Friend the Attorney General moves to-night, is disposed of, we shall proceed to-morrow with the Probate Bill. If we are unfortunately disappointed in that hope, we shall go on to-morrow with the Divorce Bill. There are other Bills—law Bills—sent down by the House of Lords, which I must ask this House to deal with in the same manner as the House of Lords has dealt with them. They are the result of very long and laborious investigations by the Statute Law Commission, and contain the consolidation of the existing law upon several subjects. If this House will follow the example of the House of Lords and adopt these Bills, trusting to the fidelity of the Commission in having made a real consolidation of the existing law, we shall then be able to make a great step towards the legal arrangement of statutes. But it is manifest that if the House will insist on going through those Bills clause by clause, as if they were new enactments, the task will be endless, and the prospect of their being passed either now or at any other time, of course, hopeless. I hope the House will be disposed to take them upon trust as a faithful consolidation of the existing law without any change or additions, and, having taken and passed them as such, make them the foundation of future legislation. My noble Friend (Lord John Russell) has remarked upon the Resolution of the House of Lords, fixing a specific day after which they will not take up the first or second reading of any Bills, except in cases of urgency or under peculiar circumstances. My noble Friend must recollect that this is no new practice of the House of Lords. I rather think it is a practice which began at the time he was at the head of the Government. [Lord JOHN RUSSELL: After a six months' sitting.] Exactly, but then my noble Friend measures the propriety of the period in reference to the commencement of the Session. I think a more reasonable standard would be in reference to the end of the Session. Though it is very true May bears the same relation to the commencement of an ordinary Session as August does this year, yet May does not stand in the same position to the end of the Session as we all hope August does. Her Majesty's Government did not feel that they were justified in making any opposition to a practice which has so long prevailed, although they did get about a week beyond the time at which their Lordships intimated their intention to finish business. I am sure the House of Lords will, as in other Sessions, waive the strictness of the rule in any case where it is shown to be an important subject, or, upon a point of time, there is good reason to depart from it.

MR. W. VANSITTART asked the President of the Board of Control whether the Government intended to send any more forces to India?

MR. HARDY said, that he must warn the Government that they must not expect a two ready acquiescence in the Bills which had come down from the consolidation Commissioners, as there had been no time to consider them. Last year eight Bills were laid upon the table of the House of Lords. In his judgment they were exceedingly imperfect, and he presumed they had been considerably altered. He did not know, but he was informed that there were considerable alterations made with respect to some of the offences included in those Bills. For his part, he could see but little use in these Consolidation Bills; if they were mere consolidations of the law they were useless, because in the text books used by lawyers the law was consolidated ready to their hand. If they were amendments of the law it was not becoming of the House to take them upon any one's authority and pass them blindfold; they ought therefore to be received with the strictest caution and examined with the greatest minuteness.

MR. NAPIER was understood to say that the Bills referred to did alter the law, and make the distinction broader between the law in Ireland and the law in England.

Motion *agreed to.*

Resolved, That upon *Tuesday* next, and on every succeeding Tuesday during the present Session, Government Orders of the Day shall have precedence of Notices of Motion.

DIVORCE AND MATRIMONIAL CAUSES BILL.—SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, who was imperfectly heard at the commencement of his speech, rose to move the second reading of this Bill. He said that he was anxious to give a full explanation of the measure now before the House, and he could assure them he had devoted to it all the consideration and attention which the incessant and laborious duties of his professional avocation admitted. The Bill had excited great anxiety and even alarm in the country at large. It had been said by some, and believed by others, that the Bill was an attempt to introduce new laws and new principles, affecting society in its most intimate relations—relations which lay at the very foundation of civil society. He was happy to say that that alarm was entirely groundless. The Bill involved only long-existing rules and long-established principles, and it was intended to give only a local judicial habitation to doctrines that had been long recognized as part of the law of the land, and for a century and a half administered in a judicial manner, although through the medium of a legislative assembly. Its object was to remove the inconveniences of that practice, but in all other respects the law of England upon the subject of divorce would remain what it was now. Whatever alarm, therefore, had been excited must be the result either of misapprehension or of misrepresentation. It was so desirable, however, to make that plain—so important that the House should understand that the Bill made no material alteration in the existing law of divorce—that he hoped they would give him their attention for a few minutes while he attempted to sketch the progress of the law, and to point out in what manner the principles embodied in the Bill, and had been for nearly two centuries judicially administered. Anterior to the Reformation the doctrine of the Roman Catholic Church of the indissolubility of marriage was generally recognized and accepted as the law of the land. The whole subject of marriage and divorce was delegated to spiritual tribunals. Those tribunals proceeded upon their own principles; they were not subject to the law of the State, and undoubtedly the doctrines of the Roman Catholic Church prevailed in them. When the Reformation came, a new view was taken of the question. The notion of marriage being a sacrament was no longer regarded as part of the doctrine of the Church of England. The necessity for the introduction of new principles was universally recognized, and all were aware that statutes were passed both in the reign of Henry VIII. and in that of Edward VI., delegating to well-chosen and extensively constituted commissions the duty of reforming all the laws of England relating to ecclesiastical matters. The result was, that inquiries were set on foot by those learned men and their labours are on record. The Commissioners were unanimous in altering the received doctrine of the Roman Catholic Church, and in accepting the principle that marriage should be dissoluble by the ordinary tribunals for two or three causes, of which adultery, of course, was the most common. But if there was anything in which the Reformation was more than usually incomplete it was the mode of dealing with the ecclesiastical tribunals. Those tribunals, instead of being subjected to the ordinary rules of law, and regarded as Royal Courts, receiving their authority from the Crown, and administering the common law of the land, were permitted to retain their ecclesiastical character, to exercise their own peculiar functions, and to administer their own peculiar principles. The result was that, although for a considerable period, probably for nearly a century after the Reformation, marriage was regarded as a bond of union dissoluble for adultery, yet about the commencement of the seventeenth century the old doctrine was restored by a decision of the Star Chamber, and the Ecclesiastical Courts were found not to have the power of giving a divorce *a vinculo matrimonii.* The consequence was that the imperfect jurisdiction of the ecclesiastical tribunals was again established, and no other Court was armed with authority to sever the tie of marriage on the ground of adultery. The matter remained in that state, interrupted, of course, during the time of the Commonwealth, until Parliament, coming to the relief of the law, and of what might be called the necessities of the country, established that system of granting divorces which had since been administered through the medium of a legislative assembly, but upon principles purely judicial. It was an undoubted fact, therefore, that from the time of the Reformation until now the necessity of having a change in the purely ecclesiastical law, and the necessity of introducing the principle that marriage should be dissoluble for adultery, had been recognized by the Legislature, and, for a considerable period, by the ecclesiastical tribunals. Anterior to the Reformation the unreasonable law of the indissolubility of marriage was, to a certain extent, atoned for in the way in which unreasonable laws were always met—namely, by the introduction of a vast number of fictions, evasions, and grounds for escaping the operation of the law, and the practical result, as testified by all the historians and jurists of the time, that it was easier to obtain a divorce *a vinculo matrimonii* anterior to the Reformation than after the principles of the Reformation had become established. The decision of the Star Chamber in the Foljambe case, limiting the jurisdiction of the Ecclesiastical Courts, was given about the year 1600, and very shortly after the Restoration the Legislature began to give relief to the country, by the introduction of a system of Parliamentary divorces. Now, when they spoke of legislative interference, and called it nothing more than the passing of peculiar laws to meet peculiar emergencies, denominating those judicial sentences of Parliament as mere *privilegia*, they used language altogether inaccurate and inapt. The administration of justice upon settled principles previously established, and according to rules previously fixed, was essentially a judicial act, and it mattered not whether the duty was discharged by a body calling itself a Legislature, or by two or three individuals sitting in an ordinary Court of Justice. That interference on the part of Parliament was in truth a judicial interference, prompted by the necessities of the country, and was the only mode by which justice could be administered in the absence of any regular tribunal which should be at the habitation and seat of the principle of the law. That was the mode in which the law of divorce had been regulary administered by the Legislature for a period of 150 years. Parliament, and the House of Lords in particular, had laid down general rules affecting applications for divorce, regulating the form of procedure, and determining the circumstances under which an aggrieved party might apply for a divorce. It was impossible, therefore, to deny that a law of divorce, well known and well understood, administered upon settled rules, had prevailed in this country for nearly two centuries, by which it was held that marriages were capable of being annulled. He was anxious to lay down that position at first, as it had been too common among critics and speakers upon the subject to declare that by the law of England marriage was incapable of being dissolved. That had been the argument over and over again in another place; and accordingly it had been represented to the country, that the Bill he was bringing under their notice would effect a complete change, and men's minds became impressed with the notion that a new principle and a new law was about to be imported into what he would call the legal constitution of England, and all this tended to create a hostile feeling towards the measure. He had endeavoured to prove by a slight historical deduction that we had at present in the House of Lords a tribunal for that purpose proceeding upon certain and permanent settled rules. In the course of the jurisdiction exercised by the House of Lords, and after them by the House of Commons, certain exceptions had been established to the general principle that marriage was dissoluble for adultery, and the rule of the law might be thus simply described.—An injured husband who established a case against his wife was entitled to a divorce, unless it could be proved that he had been guilty of collusion or of connivance, unless he was open to recrimination, and had been guilty of acts which would entitle the wife to be separated from him by a decree of the Ecclesiastical Court. Those rules had been established as to the right of the husband to obtain a divorce, but certain conditions had also been imposed by the House of Lords which, except under peculiar circumstances, they were not in the habit of relaxing. It was necessary that a man seeking a divorce should first prove the adultery in the Ecclesiastical Court, and obtain from that tribunal a decree for a divorce *a mensâ et thoro*. He must also, in cases where it was possible, bring an action at law against the adulterer—that action for criminal conversation, which had been termed the reproach of our laws. In that action he must again prove the adultery, and having established his case in that proceeding he was entitled to apply to the House of Lords to be again permitted to prove the adultery before that tribunal. If he successfully proved his injury on those three occasions he was then allowed to receive a divorce *à vinculo matrimonii*. With respect to the wife, those who had studied the subject would be aware that the rule at present was that for simple adultery on the part of the husband, the wife was not entitled to a divorce, but the House of Lords had established the practice that a wife was entitled to a divorce against her husband, if she could prove that his adultery was also incestuous, that it was accompanied with bigamy, or that the adultery had been attended with such aggravated circumstances as rendered it utterly impossible that the wife could be expected to live again with her husband. These were the rules established by the House of Lords, and reported in the cases which had been decided by that tribunal, which formed at present the law of divorce as administered by the High Court of Parliament. It was the object of the Bill which he now submitted to the House to embody that law. There was one particular only in which the Bill went beyond the present law in favour of the injured woman, and that was in cases of adultery attended with malicious desertion. In all other respects the Bill adhered to what had long been the universally understood rule for the administration of justice in England, with regard to divorces. That being the state of the case, as far as the Bill was concerned, he thought the House would agree that it contained nothing more than the expression of the existing law and a plan for transferring the administration of that law to a tribunal by which justice could be done in a more convenient manner, and without those difficulties of form and procedure which were of necessity incident to legislative proceedings. That was the first great and cardinal object of the Bill. But the Bill, while it embodied the present law, altered most materially the form of its procedure. That it should be necessary to prove the adultery in three different courts, and once in the absence of the wife through the medium of that most abominable proceeding the action for *crim. con.*, had been held to be a great reproach to this country. The Bill, therefore, proposed that one simple form of procedure should be adopted by which the whole case might be thoroughly sifted and examined—the injured husband appearing as the plaintiff against the two other parties brought into court to contest his application for a divorce—namely, the wife and the adulterer. Therefore, the form of procedure would be changed entirely, and the action which now constituted so objectionable a feature of the present system would be got rid of. The law would remain the same, but the mode of its administration would be changed. That being the object of the Bill, he hoped the House would now permit him to examine into the subject a little more closely, in order to ascertain whether or not it was true that by embodying the law into a Bill, and creating a tribunal better fitted for the administration of that law they were in the slightest degree departing from what had been felt to be the true rule, dictated alike by justice and by every consideration of human advantage since the period of the Reformation. He would now call the attention of the House to the manner in which this question was dealt with at the time of the Reformation. They were all aware of the opinions that were expressed on this subject in the writings of the principal reformers, and he would remind the House that very shortly after the Reformation, or at least in the early part of the reign of Edward VI., a change took place in the state of the law. About that time occurred the case of the Marquess of Northampton, and the question which arose in that case was, whether a man who had obtained a divorce in the Ecclesiastical Court, on the ground of adultery of the wife, could be permitted to marry again.

The Attorney General

That question attracted the notice of Cranmer, and while the case was under discussion, certain questions were drawn up by those who had to decide it, and submitted to the consideration of some of the most eminent lawyers and divines. The answers to these questions were given in the collections of Records appended to the second volume of Burnet's *History of the Reformation,* and very similar opinions to those they contained were also expressed in a most remarkable manner in the *Reformatio Legum Ecclesiasticarum.* So much had been said on this subject in another place, and so much was likely to be said in that House, that he hoped he would be pardoned if he called attention to the manner in which the question was addressed to those lawyers and divines, and to the distinct and express manner in which the difficulties involved in the question was solved by the authority of those learned persons. The first six questions put were:—

"1. Quid dirimit matrimonii vinculum?

"2. Quas ob causas dirimi poterit?

"3. An dirimi poterit conjugium a thoro, non a vinculo? Quibus casibus possit sic dirimi?

"5. An exceptio illa (exceptâ fornicationis causâ) etiam in Lucæ, Marci, et Pauli locis, qui de his rebus tractant, est subaudienda?

"6. An etiam uxor, repudiata propter adulterium, alteri poterit nubere?"

To these questions the following answers were returned:—

"Ad primam respondemus; Ipso adulterii facto matrimonii vinculum dirimi. Nam alioquin, ob solum adulterium non liceret viro uxorem repudiare; voluntas viri solicitat judices, judices palam faciunt ecclesiæ, virum licite talem repudiare uxorem.

"Ad secundam resp., Quod ob sõlam causam stupri dirimitur matrimonii vinculum; cujus ipso quidem facto, conjugii dissolvitur nodus, et loquimur his, qui sacrosancti matrimonii jus agnoscunt.

"Ad tertiam resp., Quod non; quia mulier quamdiu vixerit, *alligata est viro*, Rom. 7; *item ne fraudetis vos invicem*, 1 Cor. 7; item in eodem loco uxori vir debitam benevolentiam reddat simpliciter, et uxor viro; item *vir non habeat potestatem sui corporis,* sed uxor similiter; *nec uxor habeat potestatem sui corporis, sed vir.*

"Ad quartam patet in responsione ad tertiam.

"Ad quintam respondemus, Quod exceptio ista—viz., *nisi causâ stupri;* est subaudienda in Lucâ, Marco, et Paulo; alioquin manifeste erit repugnantia inter Matthæum et eos.

"Ad sextam respond., Quod repudiata propter adulterium, quia uxor repudiantis desiit esse, ob idque libera est sicut aliæ omnes post obitum virorum possint aliis nubere; æquo jure juxta illud Pauli, *Si non contineant, contrahant matrimonium,* 1 Cor. 7."

The opinions thus expressed by those high authorities were afterwards embodied substantially in the canons of 1602, and there was therefore at that time a distinct recognition of the principle of divorce *a vinculo matrimonii*, as was also shown by the practice of the Ecclesiastical Courts to require persons there divorced to enter into bonds not to marry again. Afterwards it was discovered that the Ecclesiastical Courts were incompetent to pronounce a decree of divorce *a vinculo*, as they proceeded merely on the authority of the civil and canon law, and then it was found that there was no tribunal to administer the law as laid down by the reformers. Now, this being the recognition of the law as it was made in the early period of the Reformation, he need not weary the House by referring to the authority of those writers who had defended the principle thus laid down. His great object at the present moment was to point out the fact, that the law as he had stated it had been administered for nearly two centuries through the medium of Bills passed by the Legislature. Where did those Bills originate? Where were they first discussed, and by whose authority did they come down to that House? They all originated in the House of Lords, had been discussed before the Bench of Bishops, and come down to that House sanctioned by the high authority of the Lords Spiritual and Temporal of the Kingdom. Since the Duke of Norfolk's case in 1703 there was no recorded instance of any Bishop objecting in Parliament to the passing of any one of those Bills upon the ground which he saw had been taken in argument in another place, and also in petitions addressed to that House—namely, that marriage by the law of England was a thing indissoluble, and that this was according to the rule of Scripture. Now, if marriage was indissoluble on Scriptural authority, every one of those Bills had been a violation of that Scriptural authority. The authority of Scripture was binding on legislative assemblies as much as on judicial bodies or individuals in private life; but could they for a moment listen to the argument that they were about to fly in the face of Scripture, when they found that their Bishops, age after age, had been parties to the passing of these Bills, and when the two Houses of Parliament had, in all those instances, recognized the very principle of law which was now embodied in this Bill? He implored the House to consider whether it would sanction the arguments brought forward in another place, and which, no doubt, would be urged with great eloquence and knowledge and force in that House also. If they rejected this Bill, or refused to receive it on the principle to which he had just referred, they never afterwards could consistently receive a Bill that came down to them for a dissolution of marriage. They would, in point of fact, disapprove the whole of the existing practice of legislation on this subject, retrace their steps, condemn all that had been done for the last 200 years, and must refuse ever after to receive any one of those *privilegia* which they had been accustomed to admit in past times. If they admitted that the principle he contended for was conformable to what he would call the instinctive feelings of law that our Maker had written on the heart of man, but that the mode of administration in reference to the Bill which they passed was oppressive, inconvenient, and injurious in a high degree, then, according to all the rules of justice, they were bound to provide the means of a more impartial, expeditious, and economical administration for the benefit of the subjects of this realm. He might take his stand here—upon the simple ground that the Bill contained no more than an expression of what had long been known to be the law and practice of both Houses; and although he was perfectly aware of the extreme inconvenience, nay, almost the impropriety, of attempting in that House to deal with any Scriptural subject, and felt unable to do justice to such a question, yet he begged those who took the Scriptural view of the matter laid down in another place to give him their attention while he attempted to present to them the grounds on which the question in reality stood. His attention had been directed a short time ago to some of the pamphlets and articles which had been written on this subject, and which had deservedly attracted great attention, regard being had to the eminent authorities from whom they came. He asked the House to recollect that they would be called on to recognize the authority of Scripture as an insuperable impediment to the passing of this Bill, and he would therefore endeavour to unfold to them the manner in which particular passages of Scripture had been treated by some of the eminent writers to whom he had referred. He would take the liberty of adverting to what had been written on this subject by two most eminent divines of the Church—one of them no less a person than the author of the *Christian Year;* and he would make allusion also to an article that had appeared in the well-known periodical the *Quarterly Review*, as well as to a pamphlet attributed to a learned Friend of his own, and a most competent writer on this subject. He believed that it was against a standing order of that House to quote Greek, and he would not be guilty of a violation of that rule. The passage to which he wished to call the attention of the House was that in St. Matthew's Gospel :—" Saving for the cause of adultery," — παρεκτὸς λόγου πορνείας — and he would quote but one word from the original — πορνεία, which was translated in our version fornication. But although the word was so translated in this passage, it was always accepted as an equivalent for "adultery." Fornication committed by a married woman would, of course, be adultery. Undoubtedly, if that interpretation were given to the word, it was scarcely possible for any but the most subtle advocates to escape from the ordinary construction which had been attributed to the text. It was therefore necessary for these gentlemen to find a different interpretation, and the House would be rather surprised, he thought, to see the opinion which those writers who deprecated this Bill, and who would have it rejected, had of that Scriptural authority to which they so earnestly appealed. The first writer translated πορνεία not as adultery, but as marriage with a foreign woman. Another translated the word "for the cause or on account of some uncleanness," and another translated it, in the *Quarterly Review*, as properly meaning "apostacy or idolatry." These were writers who called upon the House of Commons to accept the Scriptural rule, and to reject the Bill ; and who, while denying equally the interpretation ordinarily put upon the text, differed among themselves *toto cœlo* as to the proper interpretation. These were the gentlemen who grounded their opposition to the Bill on the canon and authority of Scripture. One of them, the learned author of the pamphlet to which he had alluded, had certainly translated the passage—" The woman shall not be put away, except on account or in consideration of adultery," and he stated most distinctly and most correctly that the words admitted of no other interpretation ; but he went on to argue that our Saviour was excepting only the acknowledged case of the Jewish law —that He was giving a prohibition not merely to the Jews alone, but to all who received that Gospel—and that He desired to except out of that prohibition the case of adultery merely so far as it fell within the established Jewish law, which punished it by death. His learned Friend's object, therefore, was to show that the exception had reference to the Jewish law alone, and that, as the Jewish law had come to an end, the exception had come to an end also, leaving the general prohibition independent of all exceptions. But into what subtleness would reasoning like this lead ! He would not apply to it the name which was usually applied to the subtleness of lawyers, for the subject was too sacred ; but what would be the consequences if such reasoning were applied to the interpretation of the law ? Then another argument was, that, as the exception in St. Matthew was not found in St. Mark or in St. Luke, that therefore the rule in St. Mark and St. Luke be taken to be the binding rule. But it never seemed to strike those who advanced this argument that the reasonable deduction was, that our Saviour, in addressing those who were conversant with and were bound by the Jewish law, thought it requisite in one place to say that He excepted the case which was provided for by the Jewish law, but thought it unnecessary in another place to introduce the exceptional case, because adultery in the Jewish law was not a case for divorce, but was subject to criminal punishment. Our Saviour was condemning those things which were divorces among the Jews, and adultery was not a case for divorce according to the Jewish law, but for criminal punishment. The divorces spoken of in the rule were those permitted to be given for various causes, and those were subject to the rule. But the rule was to be taken with an exception, which exception of itself struck at the very root of the marriage bond, for, by the well-known law adultery was made punishable by death, and most effectually dissolved the marriage by putting an end to the life of one of the parties. He could not for a moment imagine that any hon. Gentleman in that House would be disposed to be led away by reasoning upon the Scriptures which was so discordant, so inconsistent, and so contradictory. Blessed was he who could accept the ordinary translation of the Holy Book, without perplexing himself by discordant renderings of the Greek and Hebrew text. What was it that gave to marriage that mysterious character with which it was invested under the Christian dispensation ? It was a passage in Scripture much more pertinent than the one to which he had already referred—which every one must read with reverence and unappreciable joy—in which our Saviour, when restoring the institution of marriage to its original solemnity, said, "He who made them at the beginning made them male and female, and said, For this cause shall a man leave father and mother, and cleave unto his wife, and they twain shall be one flesh; wherefore they are no more twain but one flesh." It was that passage, which was incorporated in our marriage service, which gave its holy and mysterious character to the Christian institution,—so he might call it with propriety, since Christ had re-established it in its original solemnity. If man and wife were thus mystically incorporated, what was it that severed and destroyed the continuance of that mysterious union? Was it not adultery? If such were the sacred character of the marriage vow, did not those words of Christ bring with them this conclusion, that that which severed the mysterious bond was the most effectual means, according to the letter and spirit of Scripture, of dissolving the marriage? This was written in Scripture, and it was written in the heart, for every human being capable of appreciating the sanctity of marriage must feel that, when one party to the marriage was guilty of that sin which struck the very soul from the contract, the holy character of the union could never again be restored. He had ventured thus to glance at the inconsistencies of the Scriptural argument, because much had been said on it in another place, and he was afraid much more would be said on it in this House. His first antagonist to-night would probably be the hon. and learned Member for Dundalk (Mr. Bowyer). What was the view of the case which that hon. Member was bound to adopt? He would read to the House a passage from the decrees of the Council of Trent, which would show to the House the kind of arguments which they were likely to hear from that hon. and learned Member:—

> "Si quis dixerit ecclesiam errare, cum docuit et docet juxta evangelicam et apostolicam doctrinam propter adulterium alterius conjugum matrimonii vinculum non posse dissolvi, et utrumque, vel etiam innocentem, qui causam adulterio non dedit, non posse, altero conjuge vivente, aliud matrimonium contrahere, mœcharique eum qui, dimissâ adulterâ, aliam duxerit, et eam quæ, dimisso adultero alii nupserit, anathema sit. Si quis dixerit ecclesiam errare, cum ob multas causas separationem inter conjuges, quoad thorum, sed quoad cohabitationem ad certum incertumve tempus fieri possi decerni, anathema sit."

But, if he were not mistaken, the hon. and learned Member's Scriptural views of the subject would be pretty well disposed of by the caustic language of the hon. Member for East Surrey (Mr. Drummond). Then would descend into the arena a great master of eloquence and subtle reasoning, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). If that right hon. Gentleman had lived—thank Heaven he had not—in the middle ages, when invention was racked to find terms of eulogium for the *subtilissimi doctores*, how great would have been his reputation. The right hon. Gentleman would lay his views before the House, drawn no doubt partly from the same sources as those of the hon. and learned Member for Dundalk; but the materials would be worked up with such exquisite skill, such ingenuity, and such power, that the substance produced to the House would be of the most beautiful texture, and radiant in colour, and altogether of the most fascinating character. No doubt they would hear the shrill cry of the hon. Member for Sheffield (Mr. Hadfield) in deprecation of the Bill, and probably they might have from the hon. and learned Member who also represented Sheffield (Mr. Roebuck) some caustic remarks on the edifying spectacle. Having thus described the contradictions within, he feared that they were likely to have equal contrarities without—

> "Iliacos intra muros peccatur, et extra."

He hoped and trusted, nevertheless, that they should be able steadily to steer through the dangerous passages of the scriptural argument, and, although he had ventured to touch upon it, and should therefore be the last to deprecate the introduction of such criticism, yet he would humbly intreat the body of the House to abide by the exposition of the Scriptures which had been the received and accepted interpretation, not only by our own Church, but by all the Protestant Churches of Christendom; to believe that those Churches could not err as a body; and that the interpretation of those passages, on which we and our ancestors had acted for so many years in the administration of justice, was more likely to be right than any new interpretation which could be now adopted. That being the way, then, in which the matter stood with regard to the law of the country, and to the question whether the law of the country and the sacred writings were always in harmony or at variance with one another, he next approached another point which was a fruitful source of difficulty and of vexation, and which he had no doubt would prove to be a most abundant source of argument in that House—he meant the question of the intermarriage of the guilty parties, and whether that marriage should or should not be left to be solemnized *in facie ecclesiæ*. Many petitions had been presented upon this subject, and he believed that no less than 6,000 clergymen had petitioned that the House would not lay a load upon their consciences. With respect to the petitions of those learned and reverend men, the first thing that occurred to him was, that it was singular that they should be addressed, not so much to the question of the law and the morality of the law—the importance of which they appeared not to regard so highly—as to their own individual and particular feelings. If they chose to argue the question, and would give the House the benefit of their representations upon the question whether the adulterer and the adultress should be permitted to marry, he said at once that their representations should be received with great attention and listened to with great respect; but if they admitted that to be the law which had been acted upon in the case of every Divorce Bill which had passed during two centuries, and if they had in every instance hitherto submitted to that law, he could not understand why they should not do so for the future. Did they think lightly, he would ask, of disregarding what they believed to be a conscientious obligation in two or three instances only, and did it become too strong for resistance when they were required to disregard it in twenty or thirty instances? If it were right and proper, as it had hitherto been, for the benefit of morality and for the interests of humanity, that the guilty parties should be permitted to marry—if that rule were to remain and were to be the law of the land—then he hoped that the House of Commons would never for one moment listen to the desire of the clergy of the Church of England to be relieved from the obligation of obeying the law of the land. He could not conceive anything more dangerous, or anything that would be fraught with more unhappiness to the clergy and to the Church than for the House to listen to those statements, which were called conscientious scruples and difficulties, about the obligation of the clergy to obey the law of the land. Let them discuss the law if they would; but when they had arrived at the conclusion that it ought to be the law of the land, let them require, without a moment's hesitation on the part of the clergy, obedience to that law. That was the true notion of the supremacy of the Crown. It consisted in this, that the Church, like every other body, should submit to the civil law of the land; and this, he might humbly represent to his right hon. Friend the Member for the University of Oxford, was the true notion of the connection of Church and State. The true union of Church and State in this country was produced by this, that the Church was subordinate to and was upheld by the common law of the land in like manner as every other body and institution was. He knew well from history the struggles of the Roman Catholic clergy to be emancipated from the law that bound the laity; but at the Reformation the principle was established that the Crown was the head of all power and authority, that it was, therefore, the head of the Church, and that the Church was accordingly bound by the obligations of the law. Whatever the law was, then, he should never entertain the least hesitation or doubt as to the absolute necessity in a constitution like ours of requiring from the clergy absolute and implicit obedience to that law; and if the House of Commons should come to the conclusion that they would not alter the law in this respect, but that the adulterer and adultress should be permitted, after the dissolution of the marriage, to marry *inter se*, as had been hitherto the law, then he trusted that they would not enter into the other subject of inquiry as to whether they should or should not exempt certain clergymen of the Church of England from the obligation of obeying that law. There was one particular matter connected with the procedure in these cases to which he begged the attention of the House. He had stated that the action for *crim. con.*, as it was familiarly called, was to be entirely abolished. The House was no doubt aware that in another place there had been a great deal of discussion as to what should be the substitute for that action, and more particularly with reference to affording compensation—if compensation it could be called—to the really injured husband. He remembered a case in which a married woman, possessed of a large settled income, which was the chief or sole dependence of her husband for the maintenance of a large family, was seduced by an adulterer and eloped with him; a divorce followed by Act of Parliament, and she carried away to the adulterer the whole of her separate income, and left her husband and children completely beggars. In such a case as that, probably, one might recognize the propriety of giving, at the expense of the adulterer, some compensation to the husband. The House would accordingly find that in one of the sections of the Bill, as it had come down from the Lords, there was a provision, empowering the Court, on pronouncing for a divorce, to impose on the adulterer a fine. But the section stopped there; and it was therefore in the form of a penal enactment in a qualified sense. It imposed a fine on the adulterer, but it gave no orders as to the application of the fine. Supposing, however, that it might be deemed expedient to approve that enactment, it might deserve the consideration of the House whether the fine should not be made to answer the purpose either of giving compensation to the husband, or, in a proper case, of making a provision for the wife. He threw that out as a suggestion which the House might think deserving of attention if they passed the second reading of the Bill. The tribunal to which these cases were to be referred was constituted, he believed, in an unexceptionable manner; and he apprehended that there could be no objection taken to the procedure, except perhaps that it might appear desirable in Committee to facilitate a little the mode of appeal. That which he might call the ordinary business, the preliminary inquiry, the investigation into facts, would be conducted before the ordinary Judge of the Court; but the more important and vital inquiries, and discussions, and determinations must be had before the full court, which was to consist of three members, of whom the ordinary Judge was to be one, the other two being selected from the Lord Chancellor, the Lord Chief Justice of England, the Lord Chief Justice of the Common Pleas, or the Lord Chief Baron of the Exchequer. That was the form of the tribunal, and he thought that no better could be devised for the purpose of accomplishing the great object in view, of rendering collusion and connivance impossible, of giving relief only in those cases where it was required, and of ascertaining, with as much certainty as human investigations permitted of, whether there were circumstances in any case submitted to them which disentitled the husband or the wife to the remedy provided by the Bill. Leaving that subject, the other portion of the Bill, by which, as he hoped, the House would be of opinion that a great improvement in the law was effected, dealt with those proceedings hitherto confined to the Ecclesiastical Courts which afforded separations *a mensâ et thoro.* These sentences, improperly called divorces, were in reality nothing in the world more than regulations of the terms of mutual separation in cases where it was not consistent with the interest of either husband or wife that the parties should live together, or where the wife was entitled to a separation by reason of the adultery or cruelty of her husband. These divorces, as they were wrongly termed, were converted by the Bill into judicial separations; but the House was aware that, as the law now stood, if a divorce were obtained *a mensâ et thoro* from an Ecclesiastical Court, the consequences of that divorce were exceedingly imperfect and insufficient for the end desired. The wife was still entitled to dower, the husband to the property of the wife. The consequence was, that many cruel and barbarous cases had occurred, in which the husband had driven the wife to sue for this sentence, and the wife had afterwards, by industry or by the exercise of intellectual ability, obtained for herself an independent position and become the owner of property, when the husband returned, laid his hand upon her hard-earned gains, and swept all away to gratify his own dissolute propensities. This reproach of our law, this relic of its savage character as regarded the relation of husband and wife, would, he trusted, be effectually removed by the provisions of the Bill. There was one portion of the measure by which a wife was enabled to procure release and protection through the order of a justice of the peace from savage conduct on the part of her husband, which might, he admitted, be open to a good deal of discussion in Committee. With regard, however, to the general tenor of the enactment as between husband and wife on this subject, he thought the existing law would be found to be greatly improved both in point of actual justice and in point of humanity—with respect both to the condition of women and the protection of the weak against the tyranny of the strong. Such were the parts of the Bill to which it was necessary to call attention upon the second reading. As the subject had now been introduced to the House of Commons almost for the first time, he had thought it due to them to give some explanation of this Bill, imperfect as his explanation had been. Before concluding, however, he must advert to two or three points which had been alluded to on previous occasions, when this subject had been partially considered by the House of Commons. He ought, perhaps, to have referred to them when he was calling attention to the principal provisions respecting the intermarriage of the adulterer and adultress. That was a subject with which the House of Commons was familiar, owing to repeated discussions in former times. About the year 1770, he believed it would be found that a Bill was brought down from the House of Lords, introduced there by the then Duke of Atholl, the object of which was to forbid these marriages. That Bill passed the House of Lords, if he remembered rightly, but was rejected, after grave consideration, by this House. About fifteen or sixteen years afterwards, the attempt was renewed; and the last time this proposal was made to the House of Commons was in 1800. On these three occasions the important question whether the prohibition of intermarriage between the adulterer and adultress would promote the interests of society—whether these prohibitions would prevent the increase of the offence, or whether they would act as nothing more than inhuman and barbarous restrictions, which would by no means tend to check such crimes—this question was well considered by the House, and the whole subject was debated with great knowledge, zeal, and eloquence. On all these occasions, however, the judgment of the House was given in favour of the existing practice—in favour of what had constantly been permitted in the case of divorce Bills—the feeling, therefore, being that such a prohibition would be simply cruel, without holding out a prospect of promoting the interests of society by the repression of crime. As the House was well aware, by a standing Order in another place, a clause prohibiting such intermarriage, was introduced into every divorce Bill, but it was invariably struck out by the House of Commons. He wished the House of Commons, therefore, in attending to this question, would always bear in mind that the subject was one which had never been lost sight of, which had been repeatedly discussed, and on which the decision had always been one way, the practice on divorce Bills being regulated accordingly. If this, then, had been the determination of Parliament on the subject during 150 years, he thought it desirable that the House should bow to precedent, should recognize the existence of the rule, and should not now enter upon the question as *res integra*, deliberating upon it as a matter previously undiscussed and unknown. If that were the view which the House thought proper to take, in conformity with ancient usage, then he believed there was no room for the agitation of that question relating to the consciences of the clergy, upon which, probably, the most urgent appeal would be made. He had now gone through the principal subjects of the Bill. He had abstained, of course, from dwelling on the evils existing in the present law, which had been so long admitted, so universally recognized, so frequently pointed out, not only in Parliament, but out of Parliament, not only by lawyers, but by every writer upon the habits and manners of the people, that it would be a mere waste of time to enter upon so trite a subject. That this Bill was required, that it would at length correct what, from the time of the Reformation, had been admitted as a defect in the law of England, he believed none could venture to deny. Its provisions would naturally engage the most anxious and deliberate attention, but the Bill itself was introduced into the House with confidence, because, he repeated, it did no more than express and embody what had been the law of the land for nearly two centuries; and in that spirit of confidence he called upon the House to give a second reading to this measure.

The Attorney General

Motion made and Question proposed, "That the Bill be now read a Second time."

SIR WILLIAM HEATHCOTE said, when his right hon. Friend, the Member for Oxfordshire (Mr. Henley), endeavoured to save the House from the discussion of a Bill which, in his opinion, it would be impossible to discuss satisfactorily, the noble Lord at the head of the Government administered a severe rebuke to that right hon. Gentleman and those who held the same opinion, and called upon them to wait until the principle of the measure had been fully explained. The hon. and learned Gentleman had now endeavoured to perform this duty, he had gone at some length into its enactments, but he (Sir W. Heathcote, confessed his inability to discover, after all, upon what principle the Bill was really based. Like a skilful advocate the hon. and learned Gentleman had quietly assumed throughout his speech that which it was impossible to prove, namely, that the Bill was in strict conformity with the existing law of England, and only put into a different shape the manner in which the remedy was obtained. It was clear, however, that the passing every year of these private Acts of Parliament were practical protests against changes in the law, and were proofs that the principle assumed by the hon. and learned Gentleman was unknown to our law. Then, again, the hon. and learned Gentleman should remember that divorces thus obtained were as one to 100,000 of the marriages which actually took place, and he would ask whether they were really appreciable, and whether they in any degree inoculated society throughout England? He (Sir W. Heathcote), therefore, could regard the decisions of the House of Lords with regard to those Acts as having the same weight with decisions in our Courts of Justice, which affected us us in some way almost every day of our existence. The hon. and learned Gentleman attempted to establish two principles which were entirely contradictory and destructive of each other. At one time he treated the marriage bond as generally dissoluble, subject only to the regulations and restrictions of human legislation; and at another time he treated it as indissoluble, subject to certain exceptions imposed, not by human legislation, but by an authority *ab extrâ*—that of Holy Scripture. If they were to refer to merely human authority and to recognize what he understood had been laid down by the hon. and learned Attorney General in several parts of his speech, namely, that it was competent for them to allow a dissolution of marriage under any regulations which they might think fit to impose, he should like to know what chance there was of this entirely singular adaptation of that principle being made permanent in this country. There was no country in which the regulations contained in this Bill had yet been adopted, and he could see no possibility, if they were adopted in this country, of our stopping short of that state of things which was to be found in Prussia, in which the grounds of divorce were so numerous, or he should rather say on such a subject, so innumerable; indeed the only consistent conclusion of such a course of legislation was to declare that even the mutual consent of the parties was sufficient to dissolve a marriage. The hon. and learned Attorney General attempted to sustain his Bill by the interpretation he put upon a certain passage of Scripture. He would not dispute with him the justice of that interpretation. He understood him to assert that that passage, properly translated, declared that a man was prohibited from divorce except in one case—namely that of the adultery of his wife, and that in that case he was not prohibited from either putting her away or marrying again; and further, that that liberty being given to him by Scripture, it would be tyranny and oppression in human law to deprive him of it. That was the basis on which the hon. and learned Attorney General proposed to legislate with respect to a man putting away his wife; but then what was his enactment with respect to the woman? He had failed to sustain his Bill in that respect by any reference to Scriptural authority. The woman was not mentioned at all, except in that part of the Scripture which contained prohibitions against marrying her. But it might be that as the duties between the two sexes were reciprocal, the words in the Bible which referred to the one were according to the usual practice to be held to apply to the other. He was not disposed to quarrel with the two sexes being, with respect to this matter, placed on an equal footing, for that he thought would only be just. He saw no reason why the Bill, if it should become law, should not apply to both sexes; but if it was intended that the words which referred to the man should apply to the woman, why was there not a distinct declaration to that effect? They must take the words of Scripture in one sense or in the other; they must either adopt the words in their naked literal terms, when there would be no reference to the woman, or, arguing from analogy, they must extend the exception so as to include the man. Although he had, for the sake of argument, declined to enter into a contest with the hon. and learned Gentleman as to the interpretation of the authority to which he had referred, yet he was by no means disposed to admit it. He was not going to expose himself to the censure which he had thrown upon those who went into a minute and critical examination of the meaning of Greek words in that House. He was not prepared to admit the results at which the hon. and learned Gentleman had arrived with regard to the passage which he had interpreted. Let it be remembered that we had four independent writers on this subject, and that for a considerable period they were not embodied as we now had them in a book. During that period it was impossible to check the expressions of one of the writers by those of another, because their writings were not bound up together. They were circulated thus separately throughout all countries, and for a long time stood on their own basis. Three of those writers laid down these prohibitions which the hon. and learned Gentleman sought to invade. They laid them down with the greatest precision and without the smallest qualification. Two of them wrote at a period later than that, at which he wrote, on whose expression the hon. and learned Gentleman relied. And yet not one of them had thought it expedient to transfer to his pages the expression which was so much relied on. Did not that amount to a demonstration that, in his opinion, when he took that part of the passage, without importing into it this so-called exception, it was not in his eyes an exception which varied the meaning of the passage? There was not a word about remarriage in the passage to which the hon. and learned Gentleman had referred. If, as the hon. and learned Gentleman had said, no sane man could possibly understand the passage on which he relied in any other way than he had interpreted it, he ought to explain to the House how it arose that for the first 300 years of the Christian era there never was the smallest doubt or hesitation in the whole Christian world in giving an interpretation of it opposite to that which the House was now told to accept. If there ever was a time at which doubt or difficulty might have occurred with respect to the meaning of the passage in which it was said there was an exception, it must have occurred during that early period of Christianity. If that so-called exception had the tendency which the hon. and learned Gentlemen sought to attach to it—namely, that of allowing a divorced person to marry again—it would have occurred to the Christians of that more than to those of any subsequent period, that such was the interpretation to be put upon it. But such an interpretation was never suggested till after the Christian Church had entered into those intimate relations with the corrupt Roman empire, which introduced Pagan laxity. After a time, however, the Church righted itself entirely, and so had continued from that day to this without any doubt upon the subject; and, notwithstanding what had been said that night, he maintained that both the law and the Church of England had ever, up to that very day, reprobated the course which would be sanctioned by the Bill. The hon. and learned Gentleman had referred to the opinions of the Roman Catholics on the subject, and said that the House ought not to listen to them, because they held that marriage was a sacrament; but the connection between the premises and the conclusion of his argument were impalpable to his (Sir W. Heathcote's) apprehension. The Roman Catholic Church also held baptism to be a sacrament; but no one ever doubted that it also believed that baptized persons might be cut off from membership with the Church by excommunication. Again, the Eastern Church held marriage to be a sacrament, but it believed also that marriage was dissoluble. The hon. and learned Gentleman had referred to the *Reformatio Legum* as an authority, but he had failed to show that those first English reformers, who were its authors, would have supported the enactments in this Bill. The *Reformatio Legum* took quite a different view of each part of this subject. It contained many more causes for divorce than were to be found in this Bill. It proposed to put the woman on an entire equality with the man, and to subject both to very severe punishments. But more than that, the *Reformatio Legum* merely embodied the suggestions of a Commission, which never became law. He did not know whether any inference was to be drawn from the production of a document which did not become law, except this—that those who had it under their consideration at the time that it was drawn up disapproved of it, and were not disposed to carry it into effect. The hon. and learned Gentleman had referred to the petition of a large portion of the clergymen of the Church of England in a manner which surprised him (Sir W. Heathcote). If the Bill passed into law, persons would be as freed from the marriage bond, as if it had been dissolved by death, and they would be entitled to call upon any clergyman of the Church of England under pains and penalties, to marry them according to the rites of the Church of England. Now, it was perfectly well known that the great majority of the clergy believed that it would be their duty to refuse to give the sanction of a religious service to the re-marriage of a divorced person, and, although the hon. and learned Gentleman knew all that, as well as that by the law marriages might be performed at a registrar's office, he had not inserted any protecting ennactment in the Bill to save those clergymen from the pains and penalties to which they might be subjected for refusing to marry a divorced person—and, in fact, regarded the absence of such enactment as an important and essential part of this Bill. Accepting the hon. and learned Gentleman's admission, surely the inference to be drawn from the fact that this oppression was an essential element of the Bill was, that they ought to reject the whole measure. The more they looked at the provisions of the Bill, the more they would find objections multiply to every part of it. Not only was it too late in the Session to legislate at all on such a question, but a satisfactory result was hopeless in regard to this particular Bill itself, and, therefore, it was a case to be dealt with on the second reading, and not in Committee. It was impossible that this measure could lead to a permanent settlement of the law of marriage, either in respect of the court which it proposed to institute, or in respect of the limits which it prescribed for divorce. Once fairly embarked in its dangerous course, we must advance step by step until we found ourselves in the deplorable position in which the Prussians stood at this moment—a position from which the best men were now recoiling with horror, and in which they were vainly endeavouring to obtain the alteration of a law that reduced marriage to the level of the most ordinary contract, capable of being put an end to without difficulty by the consent of the parties. Neither would it be possible for the tribunal which the Bill would set up to maintain its ground. They professed to give the right of divorce to all the world; and undoubtedly, if the principle were a sound one, it ought to be extended equally to all classes of the community. Indeed, it might be plausibly argued that, if divorces were to be granted at all, the poor ought to have greater facilities for obtaining them than the rich. But he contended that they would be running counter to all right principle in sanctioning the arrangements now contemplated. It was said that the new court would be a dignified tribunal that would deal with these grave questions of marriage with all the solemnity which befitted them. But, the proposed innovation once adopted, he did not see how they could stop short until they had brought this novel jurisdiction down to the County Courts. In his opinion, the introduction of this measure indicated no ordinary crisis in our national affairs. The predominance of parties, the rise and fall of Ministries, or even the constitution of our Government itself, sank into insignificance when compared with the portentous changes now in contemplation. The sanctity of the family home, the purity of woman, and her equal position in the social scale, were now at stake. Moreover, these enactments, which he believed were forbidden by our religion, could only be carried into effect by a wholesale persecution of the ministers of our Church. If, therefore, there were any hon. Gentlemen who, while differing with him as to the amount of latitude which ought to be given on this subject, still thought it was not decent to drive on such a grave measure with such breathless haste, and that the House should be allowed to approach the consideration of this question after some intervals of repose, and when they could bring to the task an undivided attention and an unbroken energy, he confidently appealed to them to support the Amendment which he was about to move. By the adoption of that Amendment they would at least have time to look around them before committing themselves to a step which, once taken, it would be impossible to retrace. At the very moment in which they were carrying on this discussion the flame had burst forth, and the plague begun to show itself. He was not speaking vaguely or without information. He knew that at this very time a body of dissolute and depraved men were already exulting over the licence which they expected to receive at the hands of the Legislature; and, although he was far from accusing the advocates of this Bill of any intention to gratify the vicious inclinations of such persons, he yet believed that these men rightly construed the tendency and effect of a measure like the present. With these convictions he had no hesitation in making the Motion which he had undertaken to submit to the House, and he therefore begged to propose that the Bill be read a second time that day three months.

Mr. Alderman CUBITT seconded the Amendment.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day three months:"

Question proposed, "That the word 'now' stand part of the Question."

Mr. DRUMMOND said:—I so far agree with my hon. Friend who has just sat down, that I think there is one consolatory phase to this subject. It is that we can approach it without reference to any party feelings—that it is a question which equally interests every class and every denomination, and which is exclusively social and domestic in its bearings and relations. But this Bill seems to me to do badly, or rather not at all, what it professes to do, and attempts to do what it cannot and has no right to do. In the first place, it pretends to give relief to the poorer classes. It is said that divorce under the present system is a luxury attainable only by the rich; and therefore, to relieve the poor, the Bill goes on to provide you with another Court of Chancery. I have yet to learn how one Court of Chancery will be very much cheaper than another; and I am not to be led away by the name which your new tribunal is to assume. In the next place, I do not see a provision for that upon which I hope we shall take care to insist—I mean a perfect equality between the man and the woman in this matter. No, you are to continue the same tyranny of the male over the helpless female which now exists. There is no mitigation for the weaker and more dependent sex in this piece of legislation. With your permission, Sir, I would draw attention to what the hon. and learned Attorney General called "the historical deduction of marriage." But the hon. and learned Gentleman's historical deduction went back no further than the time of the Reformation. Now, I humbly opine there were many men and women married in this world before the Reformation. To trace marriage from its root, we must revert to its first principle. When the hon. and learned Attorney General quoted the passage of Scripture which declares that at the beginning no divorce was contemplated, he made a very remarkable omission, I know not why, though no doubt he had his reason for it. He left out the words, "Therefore what God hath joined together man must not put asunder." That was the original idea of marriage. That is God's law, God's way of regarding this relationship. It is very true that, at the time when our Lord was upon earth, divorces and separations had become very common. There is no doubt that in this, as in every other instance, man had departed from the rule laid down by his Creator. But God does not change, although man does. I am sure that every man who has read the Old Testament will confirm what I say, when I state that, from the first chapter of Genesis to the last chapter of Malachi, marriage is assumed to be indissoluble. The whole groundwork of the expostulations of the Prophets to the rebellious nation rests on this foundation. The day of the choosing of the Jews to be a separate people from the rest of mankind is called "the day of their espousals." When the first of the Prophets expostulates with the favoured nation, for having totally abandoned the worship of the true God, he says, "Where is the bill of your mother's divorcement, whom I have put away?" Going on through the whole line of the Prophets, the same principle is continually recurring; and when you come to the last, it is said again—

> "Only return unto me, and you shall be again as the one betrothed in your youth, for I hate putting away; and I will be a husband to you again."

I say that you cannot understand the exhortations of the Prophets, from one end of their writings to the other, unless you bear that argument in mind. I now come to the period of the introduction of Christianity. I am aware that you view with distrust the notion of tradition, and I think you are right, because you know what monstrous things have been built on that very precarious foundation. Nevertheless, wise men can separate the precious from the vile in everything, and tradition is in ecclesiastical what the common law is in civil matters. It is from that *lex non scripta* that you learn the real habits, practices, and sentiments of a people long before they were ever embodied in their statute law. Christianity was first established in the East, and the Greek Church is the only church recognized in the Scriptures. It was addressed in Scripture in Greek. The Greek Church held, from its earliest foundation, what it called seven Μυστηρία, and it was followed by the Roman Church, which, separating from the Greek Church, called these Μυστηρία, *sacramenta.* I am not going to enter into any theological or metaphysical discussion as to what these Μυστηρία, or *sacramenta,* were. I am content to take the very lowest explanation, which will be sufficient for my argument; but I may observe that two Greek fathers, defining the word Μυστήριον in their writings, give the precise definition of a sacrament which is found in the Catechism—an outward and visible sign of an inward and spiritual reality. Now, I take it, that whoever incurs one of these Μυστηρία has an indelible characteristic conferred upon him. Take the case of baptism. A baptized man may, very possibly, in after life, be rather alarmed at the great responsibility which that rite involves, and may be tempted to say, "I wish I were a Jew or infidel; I wish I had not incurred this responsibility;" but he must be judged as a baptized man. Again, take the case of orders. I knew a clergyman who in after life became very rich. He wrote to his Bishop and said, "I don't mean to be a clergyman any longer; I am not a clergyman; I mean to be called 'squire.'" The answer was, "You cannot reverse your consecration; as a priest you must stand or fall." The same is the case with regard to the subject of marriage. You cannot be judged as a bachelor, having once been married. You are judged and are responsible for the care of her to whom you have been united. Remembering these difficulties, the disciples said to our Lord, "If such be the case, it is better not to marry." He replied, "I grant there are many persons to whom this is not applicable, but if you choose to incur the responsibility, you cannot shake it off." When our Lord was asked how often a man should forgive his offending brother, He replied, "Till seventy times seven;" and is an offending wife the only person who is never to be forgiven? When our Lord saw the woman taken in adultery what did He say? "Go; I do not condemn thee; go, and sin no more." Remember that the oath taken in marriage is the most solemn that can be taken, except in the consecration of a Sovereign or in the ordination of a priest. It is taken at the altar, as scarcely any other oath is. Do you think, after taking such an oath, whereby you swear to protect a woman until death does you part, that you can qualify that oath by saying, "until the House of Lords shall us part," or "until an Act of Parliament shall us part?" I object to the language of the clergy on this point, that they must obey an Act of Parliament, even though it were against their consciences. Are their consciences so easy that if you put a clause into an Act of Parliament they will do what their consciences tell them is wrong? If so, give them no redress whatever. We have heard reasons urged against pardoning a woman who has committed adultery; but in the good old times that was not the feeling. You have on the statute book at present a remarkable Act of the 13th of Edward I., from which I will read a few lines. [The hon. Gentleman read an extract from the statute, to the effect that if a wife willingly left her husband, and went away, and continued with her lover, she should be barred of action to demand her dower; but that if her husband willingly, and without coercion of the Church, was reconciled to her and suffered her to dwell with him, in such case she should be restored to her action.] Here is a view you have never contemplated; and the evil of the Bill before us is, that you are going to establish as a normal condition of the land what has hitherto been effected only by exceptional legislation, procured at times—and I speak in the presence of those who know the truth of what I say—by wealth, and power, and rank, when the same remedy would have been refused to poorer men. How came such a state of things to exist? As many other evils have arisen—from the avarice of the priests. When they were asked whether marriages could not be set aside, they invented the doctrine of dispensations, and so you have incestuous marriages all over Europe. I have shown you that marriage is a sacrament, not by virtue of the Christian Church, but because it was prior to the existence of that Church. No ceremony for marriage existed until the time of Charlemagne, who, in 780, ordained that no marriage should be valid in the empire unless it was performed in the presence of a priest; and there was no marriage service in the Christian Church until the days of Hildebrand, 300 years subsequently. It is remarkable how in all times—by the Hebrews, the Latins, and the Greeks—the same form was kept up. The man went to the house of the woman, and demanded her in marriage. He took her away. Hence he was said *ducere uxorem;* whereas she was said *nubere,* and was described as *nupta*—a term never applied to the man; and to this day there is in the Catholic Church a ceremony termed the nuptial benediction—that is, the bestowal of a blessing upon a thing already existing. The abuses of the clergy with regard to this matter at length became so great that they could no longer be borne. The kings rose, the nobles rose, the people rose. The priests' party murdered all who opposed them in Spain and Italy, but in France, in Germany, and in this country the Remonstrants succeeded; and what did they do? No sooner had they put down the usurpation of the priests than they themselves usurped that ecclesiastical authority which the priests had exercised, and then came in what you call your Protestant doctrine of divorce. Yes, it is a Protestant doctrine! Do you think that by an Act of Parliament you can do what you like? Every one, in the insolence of absolute authority, has thought he could do so. That creature at Rome who thinks himself infallible, declared that the earth does not move round the sun. [Mr. BOWYER: No, no!] Well, if the hon. Gentleman will only read the preface to the Jesuits' *Newton*, and see how the editors apologised to the Pope for the doctrines of the "*Principia*," he will find reason to retract his denial. Why, it is notorious. There was another great authority—a popular assembly—which, when the people had their way, decreed that death was eternal sleep; but, nevertheless, in spite of that decree, every man will rise again and receive in the body for the things done in the body, whether they be good or evil. You may, in your pride, decree the dissolution of marriage, but woe to those who put confidence in your decision and reject the universal testimony of Scripture from the first chapter in Genesis down to the last in Revelations.

MR. LYGON said, he heartily concurred in almost all that had been said upon the scriptural aspect of this question by the hon. Member who had just spoken, and regretted that at the present period of the Session the question could not receive the consideration which its vast importance demanded—an importance far exceeding, indeed, that which attached to any mere material amelioration of the comforts of the people. The three chief grounds upon which the opposition to this Bill might be based were those derived from authority, reason, and experience. The hon. and learned Gentleman the Attorney General had made some remarks upon the uniform practice of the Legislature in case of divorce which were calculated to mislead the House, for there were a few omissions in his historical sketch which he was anxious to point out. The Attorney General had referred to the *Reformatio Legum* as evidence of the opinion of the reformers, but he agreed with the hon. Gentleman the Member for the University of Oxford that this authority went for nothing. This book was compiled in the reign of Edward the VI., but the opinions it contained were deliberately rejected in the reign of Queen Elizabeth, and not without investigation.

Mr. Drummond

The Attorney General said that the divorce *a vinculo* was tolerated in Queen Elizabeth's time, but no single case of divorce *a vinculo* occurred during that reign. So that if the House wished to obtain the opinions of the reformers, he would rather appeal to those of Queen Elizabeth's time, when religious opinions had been sifted and consolidated, than to the reformers of Edward VI.'s reign, when opinions were agitated and fluctuating on account of the new doctrines imported from Geneva, and when it was impossible to contemplate questions by the calm light of reason and experience. The hon. and learned Gentleman had also quoted certain questions put to eminent authorities in the case of Lord Northampton, but he did not give the answer to another question, which was, whether divorces *a mensâ et thoro*—equivalent to a judicial separation—were to be allowed. The answer was, that judicial separations were in no case to be allowed. He believed that divorces *a vinculo* never were permitted by the Church of England, except for nullity of marriage, and by one of the canons it was ordered that all parties suing for a divorce *a mensâ et thoro* should give bond in a heavy sum, in case they should set at nought the decision of the spiritual court and contract a second marriage in defiance of that decree. The uniform testimony of the Church of England down to the reign of Charles II. was against the dissolubility of marriage. The Attorney General had restricted his citation of authorities to the last two centuries; but he appealed from the practice of two centuries to that of eighteen centuries. If the authorities of the two centuries was worth anything, he ventured to think that the practice of eighteen centuries was worth more. He could not avoid saying a word upon the text of St. Matthew upon which so much stress had been laid. Our Lord said, "Whosoever shall put away his wife, except for fornication, committeth adultery;" and it was argued that this verse contained no prohibition against a man marrying a second time. But it should be remembered that polygamy was not forbidden among the Jews, and it was impossible to forbid the man to take a second wife, since there was no obstacle to his having more than one wife. Important testimony had been borne against the dissolubility of marriage by Chancellor Kent, the learned commentator upon the laws of the United States. He said it was doubtful whether divorce upon the ground of adultery would not lead to fraud and corruption, and that he had had to deal with many cases where there was reason to believe the sin of adultery had been committed by the husband in order to obtain a divorce. Experience had taught that increased facilities of divorce only increased the tendency to divorce, and the House would do well not to break hastily, in a few weeks, the most precious link in the chain of social order that bound society together. It was not only in America that there had been a reaction against facilities for divorce. In France, in 1789, the revolutionary authorities abolished the old law of France relative to marriage. The result was so dangerous to public morals that in 1803 a check was placed upon the facility of divorce, and in 1816 the Legislative Assembly without a dissentient voice again affirmed the indissolubility of the marriage tie. He thought that this example of a nation retracing its steps was alone sufficient to induce the House to refrain from tampering with the very foundation of civil society. He would not further allude to the case of Prussia, except to say that if the House weakened the sacredness of the marriage tie by admitting its dissolubility in cases of adultery, they could not stop there, but must allow divorce for the most trivial causes. That was the case in Prussia, and if the same assertion could not be made of America it was because the facility of divorce had not prevailed there long enough to develope its natural tendency. He implored the House to pause before entering upon so fatal a line of conduct, and to remember the words of Burke, who said:—"The Christian religion by rendering the relation of marriage indissoluble has done more towards the peace, happiness, settlement, and civilization of the world than by any other part in the whole scheme of Divine wisdom." If the authority of Burke and the example of Prussia, America, and France had any weight, they ought to warn the House against entering upon a course which had produced the very worst results wherever it had been carried out. He did not deny that certain portions of the marriage law fell with undue harshness upon certain classes of society, but he confidently asserted that no case had been made out for this Bill. Laws were made for the general good, and before the House gave its sanction to the proposed legislation on so extremely delicate and important a subject as this it should be well assured that the change now in contemplation would be productive of advantage to society rather than of harm. At all events delay, by which the law would be allowed for a time to remain as it was, could work no great injustice, except to very few indeed of their fellow-creatures; but if they acted with undue precipitation in this matter, the time would come when they would rue having been tempted to lay hasty hands on that most venerable institution of marriage.

MR. PULLER said, he heartily coincided, and he thought every hon. Gentleman present must also have coincided, with the observations with which the hon. Member for West Surrey (Mr. Drummond) had prefaced his speech, in which he expressed his great satisfaction that this sacred and solemn subject, with which the interests of every man, woman, and child in the country might be said to be inseparably connected, was entirely removed out of the atmosphere of party feeling. He would say at once that there were two features in the Bill which he could not support when it went into Committee, unless, indeed, he should hear stronger arguments used in their favour than any that had yet been adduced. The first was the obligation laid upon clergymen, after a divorce, to marry the guilty parties should they present themselves for marriage, which obligation, under colour of this Bill, would have the force of law. He thought when some 6,000 or 7,000 clergymen had signed a declaration that it would be a violation of their consciences to have to pronounce the benediction of the Church on parties so situated, it was no answer to them to say that for 200 years past there had been annually one, two, three, or four *privilegia* passed by Parliament, or that because a great body of the clergy had not in times past appealed against those *privilegia*, therefore when an alteration of the law was proposed, under which they might reasonably calculate that, instead of one, two, or three, there might be 200 or 300 cases of divorce every year, the clergy were not to be heard when they came in such numbers to state their conscientious objection to the obligation sought to be imposed on them. Let the House bear in mind that on this occasion they were discussing a question which in many of its bearings must be considered a great ecclesiastical question, without the possibility of referring to the Houses of Convocation for the opinion of the clergy upon it, and it was hard to say to them, "We have altered our minds with regard to the law of marriage and you must now alter yours." No doubt inconveniences might arise from the exercise of that conscientious objection on the part of the clergy, but considering that their objection applied not to the innocent, but only to the guilty parties, and that we had already in this country a secular form of marriage provided by which those guilty parties could be married after a divorce, there was no sufficient reason for placing so irksome a burden on the necks of the clergy. Some might think this a small matter, but it was a much smaller matter on which the disruption of the Church of Scotland proceeded. The other point to which he objected was the clause which provided that on a sentence of divorce being pronounced the Judge should have no power to punish the adulterer, except by a fine. If they reduced that to practice, the result would be that what would be a fine to the rich would be imprisonment to the poor. The intention of the Bill being to afford greater facilities for divorce than existed before, the House must calculate on a greater number of applications for divorce than were made before, and he thought it was of the greatest importance that they should impose upon the crime of adultery such a punishment as would make it discreditable in the eyes of society. Coming then to the general question and to the great principle involved in the Bill—namely, the dissolubility or the indissolubility of marriage, he was prepared to give his hearty support to the Bill, and should therefore vote for the second reading. He could not, however, quite agree with the view taken by the hon. and learned Attorney General, in which he attempted to represent the existing system of laws in this country as a system of which the Ecclesiastical Courts were one part and the Parliamentary jurisdiction another. It appeared to him (Mr. Puller) that the fair and honest view of the matter was that we had got two contradictory systems running side by side and co-existing with one another. They had adopted one system drawn from the old Roman Catholic Church, by which a divorce *a mensâ et thoro* was allowed; and another system which was the offspring of the Reformation, and which he believed, was more consistent with the teaching of the apostles. The latter system was, however, improperly carried out by the *privilegia* every year. Well, let them now consider what would be the consequences of this Act if passed into law. It was said, upon the one hand, that the operation of the Bill under discussion would be beneficial; while it was, upon the other hand, contended that the contrary would be the case. Now, he should give no decided opinion as to what must be the necessary result of its passing into a law, but it appeared to him to possess the great merit of being framed with a view to remove the important questions of marriage and divorce from the uncertain basis of tradition upon the one side and the fleeting current of popular opinion upon the other to place it upon the fixed and safe foundation of Scriptural authority. The hon. Member for West Surrey (Mr. Drummond) had very fairly referred to the text of Scripture which said that a man should leave his father and mother and cleave to his wife, and the comment upon it to the effect that those whom God had joined together man should not put asunder; but he did not think that the hon. Gentleman had been happy in his exposition of that text. The question was, whether the act of adultery did not altogether do away with the state of things which was contemplated by that Scriptural law; whether, after the commission of that act, it could of the husband and wife justly be observed "they twain are one flesh," whether they had not in reality been already "put asunder." And when they were told that a man should "cleave to his wife," he would ask did those who cited that text really mean that it was the duty of a Christian man to cleave to an adultress? Did any part of the Bible, did the ecclesiastical law of this country, as it was administered at Doctors' Commons, lay down any such rule? Did not that law, on the contrary, say to the husband whose wife had been guilty of adultery, "turn her out of doors the moment you discover her guilt; upon that condition, and upon that condition only, will we absolve you from the obligation of loving her or cherishing her, or doing anything for her besides providing her with a decent maintenance." The hon. Member for West Surrey rested his arguments upon one or two texts taken from different parts of the Old Testament and put together in a manner which could not be justified. If they looked to the law in the Mosaical books, they would certainly find it stated in the book of Leviticus that the adulterer should be put to death; but he took leave to remind the House that the law was more fully and particularly expressed in the book of Deuteronomy, where it was said that the party found in the act of adultery should be put to death. This was evidently intended to establish the actual certainty of guilt before the law should be put in force. The language of the Jews, recorded by St. John, in the case of the woman taken in adultery was a convincing proof that the law was so understood by them. Therefore there was no room for the ingenious argument that the law for stoning adulterers excluded any law for divorce on the ground of adultery. There were many cases of adultery in which the law unquestionably gave the injured husband the remedy of divorce. Then to come to the passages in St. Matthew on which so much stress was justly laid, let all the circumstances be remembered. It was well known that there were two sects of Pharisees who came to our Lord. The one held the strict doctrine of granting a divorce for adultery only. The other held the lax doctrine that divorce should be granted in other cases as well. When, then, our Lord answered that divorce was unlawful except it be for fornication, could any of his hearers doubt, or can any one now doubt that He recognized its lawfulness in the excepted case? Whatever might be the full meaning and extent of the Mosaic permission to give a bill of divorcement, it was clear, on comparing it with a remarkable passage in Jeremiah, that it was applicable to the particular case of adultery, and that while it gave a distinct permission to the injured husband to marry again, it treated the coming together again of the divorced parties as an abomination. They were told, however, that there was an uninterrupted current of opinion on this subject from the earliest ages of the Church. He granted them that after the fourth century they might have had an uninterrupted practice of prohibiting remarriage; but it was quite impossible for any person looking into the text books not to find passages proving that in earlier times an extensive practice was allowed by the bishops of remarriage by husbands who had divorced their wives on the ground of adultery. He felt bound to admit that considerable alarm prevailed throughout the country in consequence of a feeling that the operation of the Bill before the House would be to impair the sanctity of the marriage vow. He, however, did not share in that alarm. In dealing with the Bill they should pay regard to the state of the existing law which it was the object of the Bill to amend. Was that law, he would ask, consistent with domestic purity, and the apostolic precepts given for the purpose of ensuring that purity? Why, under its operation a man whose wife had committed adultery, and who was not sufficiently rich to have recourse to the interference of Parliament, could obtain, only a divorce *a mensâ et thoro;* and though he himself might be perfectly innocent, was debarred, during the lifetime of the woman by whom he had been injured, from all the comforts of the married state. Now, that sort of compulsory celibacy was so contrary, in his opinion, to the rule laid down by St. Paul, that if the Bill had no other result than to put an end to such a system he should be rejoiced to see it pass into a law.

MR. WIGRAM said, that although he had a strong objection to the principal provisions of the Bill he should not trespass upon the time of the House by going through the various clauses. Nor was he prepared to contend that even the clause relating to the dissolubility of the marriage tie formed so prominent a feature of the measure as that discussion upon it should not be reserved until such time as the Bill came under consideration in Committee—if, indeed, it ever reached Committee. There were, however, two grounds upon which he was prepared to vote for the rejection of the Bill. The one was, that it seemed to him to be pressed upon the House by the Government, without any urgent necessity for its introduction at the present late period of the Session; this being in point of fact, he believed, the first Session in which the attention of the country had been actively aroused to the investigation of the important question with respect to which Her Majesty's Ministers now called upon Parliament to legislate; a question which awakened the liveliest emotion in every domestic circle, which was intimately connected with the moral well-being of the community, and which was calculated to influence more than almost any other the characters and prospects of the rising generation. It was therefore a subject upon which time should be afforded to the people of the country to express their opinions; and so far as those opinions have yet been indicated it was, impossible to say that they were in favour of the measure before the House. There was no reason, then, why that measure should be hurried through Parliament—unless, indeed, that which was to be found in the Government being anxious to point to its enactment as one of the fruits of the Session. Everybody must feel, considering the period when Parliament assembled, and considering the vast amount of business which had to be got through, that no discredit would be reflected upon the Government if this measure was not disposed of during the present Session. Everybody too was aware that next week a great number of hon. Members would be absent, and if the Bill were persisted in the details would be discussed in Committee with very few Members present. He should feel bound, therefore, for the reasons which had induced him on a previous occasion to vote for postponing the consideration, to again record a similar vote. There was another point, which referred to the Bill as a whole, which was worthy of consideration. The Bill by its title claimed to be a measure to deal with the law of divorce in England. Now, if there was any one subject on which legislation should be imperial, that subject was the law of divorce. It was the fashion to talk of the advantages of imperial legislation, and yet upon a subject regarding which it was of the highest importance that the law should be uniform—namely, the law of divorce, the first time the House of Commons was called upon to deal with that subject it was proposed to legislate for England alone. At present there was no proposal before the House to deal with the law of divorce in Ireland, nor did he gather from the Government that it was their intention to introduce one for that purpose. The position of society as regarded this question was very different in Ireland from what it was in England, because in Ireland the proportion of Roman Catholics was large and the feeling which existed in that country against the dissolubility of the marriage tie was most strong, and he wanted to know if marriage was to be made dissoluble in England, was not the same principle to be applied to Ireland? Then, again, with regard to Scotland, in that country marriage might be dissolved not only by reason of adultery, but for other reasons, such as abandonment by the husband. Now was the House prepared to go that length? If the subject of divorce were dealt with at all it ought to be dealt with wholly and entirely, and upon principles applicable to the three provinces which formed the empire, so as to establish for the empire one uniform law. He thought that in that respect the Bill was ill-conceived, and believing, as he did, without reference to any of the particular clauses which it contained, that the principle of which he complained could not be by any possibility amended in Committee, he should vote against the second reading of the Bill.

Mr. HATCHELL said, that the present Bill proposed to afford a cheap and expeditious mode of procuring a dissolution of the marriage tie, and he should like to make a few observations upon the subject, as he understood it was proposed to extend its provisions to Ireland. Now, in the first place, as far as England was concerned, there did not appear to him to be any very urgent call for any important change with regard to the law of marriage and divorce. There did not appear to be any great call for the alteration now meditated, although some particular proceedings under the existing law affecting marriage might be in the highest degree objectionable. When the Attorney General spoke of the law of marriage in this country as being a scandal in the eyes of Europe, he doubtless referred only to the particular action for damages for criminal conversation, which was, he admitted, a great discredit to our jurisprudence; but, because that particular action was a scandal, did it appear that in order to remove it it was necessary to undermine and sap the very constitution of the law of marriage? The subject was so closely connected with religious topics that it was almost impossible to discuss it without reference to the Scriptures themselves. It would, he allowed, be objectionable to take as a guide for present legislation the strict words of any law which was laid down in Scripture with reference to marriage, or to any other obligation, but at the same time, as the representatives of a Christian people, that House was bound to legislate upon the spirit of the Christian religion. There was another institution which we observed not in accordance with the strict letter, but with the spirit of the injunction, to keep holy the Sabbath day; but no one would ever think of introducing a measure to compel the strict observance of the Jewish law with regard to that ordinance. As regarded the principle of the present Bill, he did not think that the dissolubility of marriage was in accordance with the spirit of the Scriptures, and he certainly objected to making a divorce any easier to be obtained than it had hitherto been. In his opinion there were two questions which the House in discussing this subject ought to consider—whether the facility of divorce ought to be increased, or whether divorce ought not to be abolished altogether. For himself, he could only say that he would vastly prefer giving his support to a measure to render all divorces illegal, than to accord his sanction to a Bill such as that before the House. He fully believed that to facilitate obtaining divorce was calculated to produce enormous evils, and he could quote great authorities to the same effect. In the year 1798, in the House of Lords, the then Lord Chancellor (Lord Loughborough) brought forward a new Standing Order to render more stringent the power of granting divorce. Upon that occasion Lord Loughborough complained that Divorce Bills were passed as matters of course, and expatiated upon the laxity of manners and morals which had of late years gained ground in the higher ranks of society, and suggested that it was owing to the very facility of obtaining divorces, and of the adulterers being married as soon as a divorce had been obtained. In the same debate the Bishop of Durham said, that at the root and bottom of most divorce cases was collusion between the parties, and that if they took away the facility of obtaining divorces they would improve the morals of the people. This took place only four years after the revolution in France, when by a decree of the Convention marriage was declared altogether abolished. It was at a time when France revelled in infidelity, when gross recklessness of morals prevailed in that country, and all regard for religious ceremonies was set at nought. It was not to be wondered at that, with the infection spreading and divorces portentously increasing, the House of Lords took steps to make the law more stringent. It was because he believed that by affording any increased facilities for divorce they increased the desire to obtain divorce, that he chiefly objected to this Bill. He could proudly refer to Ireland, where the greater proportion of the people were Roman Catholics and the celebration of marriage was considered as a sacrament. They never heard of any outcry in Ireland against the indissolubility of marriage. They never heard of internal quarrels in families, of their suffering under a worse than Egyptian bondage, of cases in police offices of wives and husbands quarrelling. The people were convinced that, once married, it was utterly impossible they could ever be divorced, and to that cause was attributable the happiness of Irish homes. When the Irish peasant girl came to the altar to pledge her troth to her husband she dismissed from her mind the reflection of the possibility of their ever being disunited, the same as when a novice, exchanging the white for the black veil, completely put aside all thoughts of returning to the busy and pleasure-loving world. If they increased the facilities of divorce they would have, in the course of time, an enormous number of increased divorces. If they once passed this law they could never go back, but must continue in the same course, however terrible the evils which would flow from it. If it were once found that marriage could be dissolved with ease, numbers of persons would enter into the state of matrimony with the detestable intention of committing a crime for the purpose of dissolving it. He called upon the House to pause before they passed a Bill which was exceedingly likely to prove disastrous to the country.

MR. BOWYER said, this Bill came before the House with the pretence of justice and fair play. It was pretended that it was a poor man's Bill. No doubt it would be conceded that if divorce were lawful according to the principles of religion, and not prejudicial to the interests of society, it ought to be equally open to poor and rich. But if this were a poor man's Bill, it was rather remarkable that petitions signed by as many as 90,000 persons should be presented against the Bill, and none in favour of it. There were petitions from Roman Catholics and from Protestants of all denominations in condemnation, and a declaration of 6,000 clergymen against the measure; but he had never heard of any petition in its favour. He believed it would not turn out to be a poor man's Bill. The right hon. Gentleman, the Member for Oxfordshire (Mr. Henley), with characteristic acuteness, had pointed out that while it pretended to give a cheaper administration of justice, it abolished a number of local courts which brought justice to the doors of persons who resided at a distance from the metropolis, and sent them to a court which would be practically inaccessible to poor men. The machinery of the Bill was exceedingly ponderous. It seemed a strange thing that, whereas a single Judge could hang a man, it took two Chief Justices and a Judge in ordinary to grant him a divorce from his wife. He doubted whether, having regard to the machinery of the Bill, it would provide a cheap remedy. But, supposing that it did, there was a preliminary question to be decided, whether the divine law allowed of any divorce *a vinculo*—whether the divine law allowed the bond of marriage to be so broken that the parties might marry other persons. The question had been debated in another place. They had the bishops of the Established Church divided upon the subject. Four of them declared against divorce *a vinculo*. One of the ablest pronounced a speech which had been unanswered and was unanswerable. A large body of the English clergy declared that divorce *a vinculo* was contrary to the Christian religion. As he had said once before, they were treating their Church very badly. He did not belong to their Church, but he must say that those who were members of it acted very inconsistently if they did not give the teachers of their Church more time to consider this great question. It was a theological question, and yet they were asked to deal with it as if it were mere ordinary legislation based upon temporal principles. This was not a winding-up Act. It was not a Bill for establishing partnerships with limited liability. It was not a Bill for rendering more speedy and easy the dissolution of partnerships. It was a Bill involving the very foundation of society and the fundamental principles of the divine law. That was the question which the House had to decide, and a very deep and solemn responsibility rested upon them in its decision. It ought to be fully discussed and patiently considered, and every argument that could be adduced ought to be carefully weighed. He should not say much upon the effect on society of facilitating divorces, but he would refer to a pamphlet containing a report of the speech of a person holding high judicial office in Prussia, pronounced in the chamber, and giving an account of the awful consequences of facilitating divorce in that country. That gentleman gave instances of people who had exchanged wives, and of an agreement by which a wife had been sold, a rich single man guaranteeing a large sum to the husband upon the understanding that a divorce should be obtained, and that he should marry the married woman. He might be told that in Prussia divorces *a vinculo* were allowed for more causes than were contemplated by this Bill. That was true, but if they facilitated divorce for adultery to the extent proposed by this measure, it would soon be urged that such divorce ought to be granted even in cases where adultery had not been committed. If they once broke in upon the salutary principle alike of the common and of the ecclesiastical law of England they would not know where to stop. They would give rise to an universal immorality. Lord Stowell, in the case of "Evans *v.* Evans," which was a case of divorce for incompatibility of temper, not a divorce *a vinculo*, but only *a mensâ et thoro*, said that these latter divorces were granted only in extreme cases, and that the necessity of persons remaining husbands and wives obliged them to be more or less good husbands and wives. Persons knowing that they could not be separated performed their matrimonial duties better than they would do if they thought they could get rid of the obligations of the state of matrimony. These reasons went nearly the whole length of saying that marriage ought not to be dissolved at all. The hon. and learned Gentleman, the Attorney General, said, that for the last 150 years divorces *a vinculo* had been allowed, and that this Bill only provided a cheap and easy mode of obtaining them in the place of an expensive and inconvenient one. Let the House take a plain, common sense view of the matter, and they would see that there was no soundness in this argument. It was true that *privilegia* were in particular cases passed to separate man and wife, but the very fact of these being passed proved that the common law prohibited divorces. These divorce Acts did not alter the jurisprudence of the country, and were not incorporated into it. What the House was now asked to do was, to remove a landmark of the law, to alter the jurisprudence of the country, and to introduce into it the new doctrine that the judicial power could dissolve marriage, and enable persons to marry again. Among Roman Catholics there was no doubt as to the indissolubility of marriage. His hon. and learned Friend the Attorney General had read one of the dogmatic decrees of the Council of Trent, which some hon. Members who did not distinctly hear it, or were not ready with their Latin, might have thought declared marriage to be dissoluble, and anathematized those who said it was indissoluble. As, however, that was not the case, he did not know why his hon. and learned Friend had read it. He was quite willing to be bound by decrees of the Council of Trent, but as he was addressing an assembly consisting chiefly of Protestants, he would appeal to no authority but one which was equally sacred to both Protestants and Catholics. He would base his arguments upon the words of sacred Scripture, and would show from them that marriage could not be dissolved by any human authority. It might be said that that House was not a place for theological arguments; but if it undertook to decide questions which involved the Divine law it must not refuse to hear that law discussed. There were in the Scriptures four passages which bore upon this question; one in St. Mark, one in St. Luke, and two in St. Matthew. The words in St. Luke were,—

> "Whosoever putteth away his wife and marrieth another committeth adultery; and whosoever marrieth her that is put away from her husband committeth adultery."

In St. Mark the passage was,—

> "And he saith unto them, whosoever shall put away his wife, and marry another, committeth adultery against her.
>
> "And if a woman shall put away her husband, and be married to another, she committeth adultery."

These passages taken by themselves declared that marriage could not be dissolved at all; not even in the case of adultery was an exception allowed. They were corroborated by several statements in the epistle of St. Paul, with which he would not trouble the House, but with which hon. Members were no doubt acquainted. There were two passages in St. Matthew bearing on the question, and it was contended that those passages contained an exception to the general rule laid down by the other Evangelists. That exception, it was alleged, allowed divorce in the single case of adultery. The first passage was as follows,—

> "But I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery; and whosoever shall marry her that is divorced committeth adultery."

The second passage said,—

> "And I say unto you, whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery; and whoso marrieth her which is put away, doth commit adultery."

Here was an apparent contradiction between the three Evangelists, St. Matthew, St. Mark, and St. Luke. Two forbade divorce *à vinculo matrimonii* absolutely, taking the text according to the ordinary meaning of language, while the third was supposed to make an exception in the particular case of adultery. Let them now see what modes had been devised for explaining this apparent contradiction. All the Evangelists were equally inspired, and, therefore, it could not be said that one was right and the others wrong. They must somehow be consistent with each other, and the question for consideration was how the alleged inconsistency could be reconciled. The first mode—that hinted at by the Attorney General—was to read the Gospels as one, and to bring into St. Mark and St. Luke the supposed exception in St. Matthew. He thought he could show that this theory was an incorrect one, and could not be received as a mode of reconciling the three apparently contradictory passages. The Gospels were not intended to be read as one document. Each of them was written by a different person, at a different time, in a different place, and for different parts of the Church, and they were collected into one volume so late as the fourth century. If the theory was correct that a different doctrine was laid down on this subject by St. Matthew, from that delivered by the other Evangelists, it must follow that what was allowed in one part of the Church was regarded as a mortal sin in another, which he held to be absurd. Still some means must be found of reconciling the apparent inconsistency between the Gospels. Now, if it could be shown that what had been thought an exception in the Gospel according to St. Matthew was no exception at all—that it never was intended to make divorce lawful in the case of adultery—then the difficulty must vanish. The question, therefore, came to be, what was the meaning of the words used by St. Matthew? He thought he could show that they did not permit a divorce for adultery nor form any exception to the general rule established by St. Mark and St. Luke. By the Jewish law prevailing at the time when and in the place where the words of the Evangelists were uttered, adultery was punishable with death. An hon. Member had stated that there was a limitation to that law, contending that the punishment of death was inflicted only when the parties were taken in the fact; but that doctrine was contrary to the opinion of the most able and learned interpreters. Adultery being punishable with death, it was quite impossible—it was absurd—to read the words of St.

Matthew as meaning that divorce *a vinculo* was not to be allowed except in the case of adultery, which was a capital crime. He would not enter into a criticism of words, far less would he quote Greek in that assembly; but according to Mr. Baddeley, who, in his learned and very able pamphlet, had supported his opinion on high authority, the first passage in St. Matthew meant, "I say nothing as to adultery," and the second, "setting aside adultery," implying that adultery was not and could not be a ground for divorce at all. The fact then was, that adultery was punishable by the criminal law. The one passage would run thus,—

> "I say unto you whosoever putteth away his wife, I say nothing of the case of adultery; he who shall marry her that is divorced committeth adultery."

The other passage would read,

> "I say unto you whosoever putteth away his wife—excluding the case of adultery, I say nothing of the case of adultery—and shall marry again, committeth adultery; and whosoever marrieth her that is put away committeth adultery."

That construction of those passages was in accordance with the original Greek. That being so, the right interpretation of those passages was the interpretation that was in accordance with the passages in the other two Evangelists. The context of those other two passages corroborated that view of the meaning of St. Matthew. In the 19th chapter of St. Matthew the strongest expressions were used against the dissolubility of marriage. "Whom God hath joined together let no man put asunder." Then again, there was the famous declaration, "Wherefore they are no longer twain, but one flesh." The whole context was against the dissolubility of marriage. Our Lord told the Jews that Moses allowed the dissolution of marriage for the hardness of their hearts, but it was not so from the beginning. Thus they had the whole spirit of the passages themselves and of their context tending to the one result of bringing the Gospel of St. Matthew in perfect harmony with the Gospels of St. Mark and St. Luke. The question was afterwards put to our Lord, whether divorce was allowable in any case. In reply He referred to the original institution of marriage, and in the strongest terms said, "Whom God has joined together let no man put asunder." Supposing that the exception applied to cases where the guilty parties were liable to be put to death, it would be an absurdity to say that divorces were to be allowed in such cases. The death of the man or woman offending would of itself dissolve the marriage, and thus the law which made adultery punishable with death proved that marriage could not be dissolved in any other way. He maintained, further, that the indissolubility of marriage was asserted by the law of England. The ecclesiastical law, which was part of the common law of England, had put that interpretation upon the divine law. By the constitution of this country the spiritual law was administered by spiritual courts, and that law had always been considered as part of the common law; and they found from the earliest times that the spiritual law of England had always held that marriages could not be dissolved, even in case of adultery. But, supposing even that the law, as administered by Parliament, did allow divorces *a vinculo*, he submitted, notwithstanding the arguments of the hon. and learned Gentleman the Attorney General, that at least there were grave doubts entertained as to its correctness. The Anglican bishops were divided upon it. About 6,000 of the Protestant clergy in substance had said marriage was indissoluble, and had represented that if they were compelled to marry divorced persons, they should feel they were committing a sin. He could not agree with the Attorney General that an Act of Parliament was an infallible guide. No doubt every one was bound to obey the law, but there were limits beyond which men should not be called upon to act in opposition to their consciences. They were told to "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's; but the command showed that there were limits beyond which Cæsar's commands ought not to go. He could not but sympathize with those clergymen who called on the House to relieve them from the performance of that which would be burdensome to their consciences. That there was a grave doubt whether this doctrine of the dissolubility of marriage was allowed by Scripture, even its advocates could not deny,—and the very existence of that doubt was a reason for the rejection of the Bill. On these grounds he would give his support to the Amendment which had been moved by the hon. Member for the University of Oxford.

MR. MALINS said, he could not give a silent vote in the case of a Bill of such vast importance. He confessed that he felt considerable difficulty on this subject; but it was a difficulty which arose from the legislation of the last 150 years, otherwise he should have no difficulty at all. His hon. and learned Friend had pressed this measure on the House as one of urgency, because its object was to remove what he called a blot on the law of England, and to do away with the anomaly which enabled the rich to obtain a divorce while the poor could not. That was the crying evil, the removal of which must be pressed forward in the dog-days. Now he found, from the Report of the Commissioners, that from 1715 to 1775 the number of Acts passed to dissolve marriages were 60, or one a year; that from 1775 to 1800 they amounted to 74, or about three a year; and that from 1800 to 1852 there were 110, being an average of rather more than two a year. Now, did these figures show that there was any urgency in the case? He was decidedly of opinion that the interests of society would be best promoted by regarding marriage as indissoluble from any cause whatever; but if his hon. and learned Friend's argument in favour of the Bill was good for anything, it should have shown that this was a poor man's Bill. At present the average expense of getting a divorce *a mensâ et thoro* was from £150 to £200, and it was of course much greater when the case went the whole length; but would his hon. and learned Friend say that the expense under his Bill would be so much less as to enable the artisan or still poorer classes to obtain divorce? They would have to go before a court equal to any of the Supreme Courts before a divorce *a vinculo* could be obtained; and he believed the expense would not be less than from £300 to £400. Why, then, should this Bill be urged upon them as a poor man's Bill? Then came the great question as to the expediency of the measure. Now, if there was one thing certain, it was that by the law of England marriage was indissoluble. No doubt, before the Reformation, recourse was had to a variety of fictions and devices for the purpose of carrying out the object; but then what was done was this, to declare upon some ground or other, not a divorce, but that there had been no marriage at all, and that it was void *ab initio.* The first Act of Parliament passed for dissolving a marriage was in 1701; but now it was to be understood, in every case where a marriage was solemnized, that that marriage might at some future day be dissolved by a court of law. He could not look on such a proposal without the greatest apprehension. This was a grave and important question raised for the first time, and he could not but regret that they were called on to decide upon it in so hasty a manner. But he objected to the Bill on the higher ground, that it was best for the interests of society that this most sacred contract, when once entered into, should last for the life of the parties. This was forcibly put by Lord Stowell, as quoted in the first Report of the Royal Commissioners:—

> "For though, in particular cases, the repugnance of the law to dissolve the obligations of matrimonial cohabitation may operate with great severity upon individuals, yet it must be carefully remembered that the general happiness of the married life is secured by its indissolubility. When people understand that they must live together, except for a very few reasons known to the law, they learn to soften by mutual accommodation that yoke which they know they cannot shake off; they become good husbands and good wives, from the necessity of remaining husbands and wives, for necessity is a powerful master in teaching the duties which it imposes. If it were once understood that upon mutual disgust married persons might be legally separated, many couples, who now pass through the world with mutual comfort, with attention to their common offspring, and to the moral order of civil society, might at this moment have been living in a state of mutual unkindness, in a state of estrangement from their common offspring, and in a state of the most licentious and unreserved immorality. In this case, as in many others, the happiness of some individuals must be sacrificed to the greater and more general good."

Was the House prepared to say that all the Divorce Bills, or half of them, which had been passed had been passed wisely, or that it would not have been better for the parties if there had been no means open to them of obtaining a divorce? How many evils, besides adultery, were there in the marriage state which no legislation could touch. He knew a gentleman—one of the most amiable men in the world—whose wife, after one or two years of marriage, without any reason whatever, ceased to live with him. No doubt this was a form of insanity, but no Act of Parliament could meet such a case. The question was, whether, taking an extended view of human society, it was not for the happiness of the greater number that marriage should be regarded as indissoluble. Suppose a woman preferred another man to her husband, if there were no possibility of divorce she would know that, by giving way to that attachment, she would condemn herself to disgrace and misery for the rest of her life. But by this Bill, and even under the present system, the prospect of divorce was open to her, and she knew that by going through a certain process she might become the wife of the man whom she preferred to her husband.

Under the present system the process was tedious and expensive, and it was just because this Bill proposed to render it more easy that he objected to it. With his objections to divorce he could not bring himself, without much more consideration than time was allowed for, to support the second reading of the Bill. The Government had certainly no reason to be satisfied with the course which this debate had taken, for out of the seven hon. Members who had preceded him six had opposed the Bill, and the seventh, the hon. Member for Hertford, had only spoken of it with faint praise. Anything, therefore, more wanton on the part of the Government than their urging forward the Bill at the present period of the Session he could not imagine.

LORD JOHN MANNERS said, that however much opinions might differ as to the principle contained in this Bill—the dissolubility of marriage—there could be but one opinion as to the serious nature of the changes which it introduced. When it was urged the other evening that it was too late in the Session satisfactorily to discuss this Bill, the advocates of postponement were told that the House would be full of life and vigour for this subject, and that every provision of the Bill would be amply discussed. But what was the fact? There had been an able, ingenious, but somewhat sophistical speech from the hon. and learned Attorney General in favour of the Bill, but not one speech had since been delivered on that side. The first half of the speech of the hon. Member for Hertfordshire (Mr. Puller) was dead against the Bill, though the remaining half was certainly a vindication of what was alleged to be the one principle involved in it. The hon. and learned Attorney General based his vindication of the main principle of the Bill upon two grounds. First, he said that the human dissolubility of marriage had been received as the law of the Church and of the State ever since the Reformation; and, secondly, he said that it was rightly the law of the Church and of the State, inasmuch as it was strictly in conformity with the express declaration of Holy Writ. The hon. and learned Gentleman in his plea in support of the first of these grounds said that the Bill made no change in the law; but in the course of his speech he retrograded from that assertion, and said that it made no "material" change. He had, too, laid great emphasis upon the assertion that the *Reformatio Legum Ecclesiasticorum* depended upon the statute law, so that a great many hon. Members were left under the impression that it was an Act of the Legislature. [An expression of dissent from the ATTORNEY GENERAL.] He was aware that the hon. and learned Gentleman did not intend to convey that impression, because no one knew better that such was not the case; but still that was the inference from what the hon. and learned Gentleman said. So far from the hon. and learned Gentleman's statement being correct, however, the fact was that the human indissolubility of marriage had been the received law of the Church and of the State from the Reformation down to the time of Charles II., and the hon. and learned Attorney General with great wisdom had refrained from laying much stress upon the state of morals and religion which led to the first repeal by private enactment of the received law of the Church and of the State in the time of that Monarch, and he (Lord J. Manners) did not think that the House would be induced by the example of that epoch to carry, at the fag end of the Session, a measure fraught with such tremendous consequences to the domestic relations of the people of this country as the Bill under discussion. The hon. and learned Attorney General stated that it was clear that the law, as it then stood, permitted these marriages, or why, he asked, should the Ecclesiastical Courts when they granted a divorce *a mensâ et thoro* have exacted from the parties a bond that they would not marry again? He (Lord J. Manners) regarded that as a clear and distinct proof that in the view of the Legislature those marriages were to be prohibited, and inasmuch as in other countries there might be facilities for marrying again they exacted a bond positively to forbid such persons availing themselves of those facilities. But, probably, the most fanciful of all the arguments of the hon. and learned Gentleman was that in which he begged the House to regard the two Houses of Parliament taken together as constituting a judicial tribunal, when he said that by sanctioning private Acts of Parliament they gave to them the effect of a judicial decision from the Bench. But was it ever permitted to Judges, when a cause was brought before them to say, "We will oppose that cause," or, "we will not speak upon it; we will kick it out of our court of justice; we will take no cognizance of it?" Yet the hon. and learned Attorney General endeavoured to prove that the two Houses of Parliament passing these exceptional and abnormal Acts were strictly analogous to a court of justice. In another place, when a right rev. Prelate was taunted for not having before attempted to stop the passage of some of these exceptional Divorce Acts, he admitted that up to the present he had not taken that course, but he said that for the future he would endeavour to arrest the progress of every one of these Bills; and an hon. Gentleman in that House had given the same pledge; but if the Houses of Parliament had merely judicial functions to perform how could it be open to any Member to refuse his assent to any of these Acts? He held, then, that the argument of the Attorney General to prove that these exceptional Acts of Parliament had the force of law, was totally and entirely erroneous. At that hour of the night (twenty minutes to twelve) he should have great reluctance to enter upon the Scriptural part of the question, but he thought that the people out of doors would be against the hon. and learned Attorney General on the Scriptural argument, for no man could read the able argument of Mr. Baddeley without being convinced that the Bill came into collision with the revealed law of God. They had been told the other night that they might regard the question of principle as settled by the discussions which had taken place in the House of Lords. With great respect for that illustrious assembly, however, he said that this was pre-eminently a question affecting the people of this country. If it were true, as the promoters of the Bill stated, that it was intended to bring home to the cottage of the poor man as well as to the palace of the rich the benefits—if such they were—of this law, then he said that it was the bounden duty of the House to see that this great question received the fullest and most deliberate discussion, and to refuse to act upon the dictum of any other assembly, however distinguished or illustrious it might be, on a matter which affected the social and domestic welfare of the people. They were told that they must bow to authority upon the subject; authority of what kind? He could understand a person saying that in the other House there sat grave and reverend ecclesiastics from whom they might well receive guidance upon the spiritual and theological bearings of the question. He was willing in those respects to yield to their authority; would the hon. and learned Attorney General say as much? This Bill had come down sanctioned by a majority of the Temporal but not of the Spiritual Peers. He had stated his deliberate opinion that this Bill violated both Scripture and the settled law of the land. If it only proposed to allow the remarriage of the innocent sufferer from conjugal infidelity it ought to be supported by the most irrefragable scriptural arguments; but when it gave to guilty persons the privilege of enjoying through life the fruits of their sin, he pronounced it as not only opposed to the best interpretations of the word of God, but as striking a blow at the foundations of all human law. If Parliament could deal thus with the seventh, why not with the eighth commandment? If a man who stole from his neighbour that compared with which all earthly possessions were poor and pitiful was allowed, upon the payment of some wretched fine, to enjoy for the remainder of his life the fruits of his sin, how could you justify the penal colony, the felon's cell, and the life-long misery and degradation which the then partial law would visit upon the far less guilty thief or forger? But, more than this: the inevitable effect of this Bill was, as it seemed to him, to smooth the path before the adulterer's feet, and to teach the disappointed wife that if she had only the bad courage to sin blindly and boldly, to violate at once the command of God and her own solemn vows, years of worldly happiness, and, if they might judge from the experience of other countries, years of worldly respectability would yet be in store for her under the same solemn sanction and with the same nuptial benediction as were at present reserved for the innocent and the pure. Was it right that a change of this vast importance should be effectuated without some reference to what was taking place every day in foreign countries, where greater laxity existed than was proposed even under this Bill? Doubtless many hon. Gentlemen were familiar with the remarkable speech of Baron Von Gerlach, which had been translated by the hon. Member for West Surrey (Mr. Drummond). In Prussia, which was constantly referred to as an example in matters of education, the number of divorces every year, out of a population of 17,000,000, amounted to upwards of 3,000, or nearly 10 a day; and in the district of Berlin, the centre of Prussian enlightenment and the department of the supreme courts, they were 57 divorces to every 100,000 inhabitants. The House had heard a most able argument from the hon. and learned Member for Dundalk (Mr. Bowyer), who spoke the united opinion of the Roman Catholics of England and Ireland on this subject. Was it true, however, that in Prussia the Roman Catholics were sheltered by the decrees of their Church from the evil influences of this all but heathenish legislation? Baron Von Gerlach cited in his speech the following instance:—"A labourer of the Roman Catholic persuasion appears, according to the statement of several of his wives, to have been six times divorced and seven times married, and to have now seven wives living." He (Lord J. Manners) feared, if this legislation were entered upon, that in process of time they should see adulterous parties anticipating, as he had said, years of happiness and "respectability." What was the case in Prussia? This was the statement of a Roman Catholic Priest, who said:—

> "An act of adultery previously committed forms the ground, almost without exception, of those divorce cases the pleadings in which I have had the perusal of. In consequence of the divorce granted by the court of law and of a subsequent remarriage the adulterous element is successful, and, being for a time followed by no unpleasant consequences to the parties, it obtains, to my great regret, a sort of outward respectability. Cases of a second divorce, followed by a third marriage, are not uncommon."

If it were true, as was alleged, that it was intended to bring this Bill home to the people generally, he should oppose it upon the ground of the inevitable effect which this loosening of the marriage tie must have upon the masses. He had heard with regret, bordering upon astonishment, the hon. and learned Attorney General's declaration that under no circumstances would the Government consent to relieve the clergy from the monstrous oppression to which this Bill proposed to subject them. The hon. and learned Gentleman said he regarded it of the essence of the Bill that the clergy should not escape from its nefarious operation. Now, let the House reflect upon the position of the clergy of the Established Church. After an expensive education indelible orders were fixed upon them. "Once a priest always a priest." A clergyman incurred at his ordination obligations the most solemn which could be imposed on any human being, and could not change his profession and follow another more agreeable to his feelings and consonant with his tastes. Now, if Parliament legislated for what Lord Hervey once rather irreverently called the burdensome profession of the law, what was the course pursued? If new duties, for instance, were imposed on County Court Judges, after their appointment, Parliament was called upon for a large and liberal increase to their salaries. The same rule was rigidly adhered to in other cases,—namely, that where persons had once entered into a covenant to perform certain duties no duties should be afterwards imposed upon them of which at that time they had no knowledge. Yet not only did the Bill propose to place upon the clergy new and most onerous obligations, which they did not in the least anticipate at their ordination, but these obligations were in their eyes and to their consciences directly antagonistic to some of the most solemn of their ordination vows. The Attorney General said that these agitating clergymen must be brought to know that they, like other men, were subject to the common law. The hon. and learned Gentleman, however, ought rather from his position to be the defender of the clergy, and ought to see that men who had entered into a profession upon a certain solemn understanding should not be called upon by Act of Parliament to violate the very obligations they had undertaken to observe, and to violate at the same time the clearest dictates of their consciences. It was impossible to read the language of any of the petitions which had been presented by the clergy against this Bill without seeing that there was not the slightest ground for the taunt which had been thrown out against them, that they cared nothing for the language of Scripture or the law of God on the subject, and only wanted to be exempted from the law of the land. They distinctly stated in these petitions their belief that the Bill was opposed to the word of God and to the social and domestic happiness and welfare of the people. They had good reason to believe that their views and claims were not listened to in that House with that respect to which they thought they were entitled. They prayed that if the Bill should become law they might be exempted from all penalties for not obeying a law clearly inconsistent with the spirit and letter of the vows which they had taken and the dictates of their consciences. Their claim could not with justice be resisted. Parliament had thrice since the Reformation entered on a course of legislation which compelled thousands of the most conscientious clergymen of the Church of England to resign their livings and sacrifice their worldly fortunes, and their praises had been enshrined in immortal verse,—

> "Their altars they forego, their homes they quit,
> Fields which they loved, and paths they oft had trod,
> And cast the future upon Providence—
> Like men, the dictate of whose inner sense
> Outweighs the world, whom self-deceiving Wit
> Lures not from what they deem the cause of God."

But those were memorable occasions, on which questions respecting rival dynasties and the polity of the Church agitated the public mind; but no such excuse could be offered for pressing forward this oppressive Bill. The question was merely whether as conscientious, learned, pious, laborious, a body of men as had ever preached the glad tidings of the Gospel, should be bound to give way to the lust of adulterers and the tyranny of Parliament. Under any circumstances he should have opposed this Bill. When he asked himself whether it would effectuate its professed object, he was compelled to say that he believed it would do no such thing; and, therefore, even as a matter affecting the credit of Parliament, he thought the House ought not to let it pass into a law. These were the reasons why he should oppose it—first, because there was not time now, when the public mind was so deeply agitated by the state of our Indian empire, to give sufficient consideration to a Bill like this; secondly, because it was a Bill, which, if passed, would lead to consequences most momentous and fatal to the purity and happiness of the homes of the people; and lastly, because it was a measure which violated the rights of conscience, and imposed new and contradictory obligations on the Clergy of the Church of England.

MR. GLADSTONE moved, (at ten minutes past twelve o'clock) the adjournment of the debate.

VISCOUNT PALMERSTON said, he hoped that the right hon. Gentleman would withdraw his Motion in order that a division might be taken upon the second reading that evening.

MR. NAPIER thought that they ought not to go to a division until they had had a full debate upon the question. Some member of the Government ought to have risen to give some answer to the able arguments which had been advanced against the Bill. For his own part, he thought it was his duty to state fully the grounds on which he should give his vote against the Bill, and he therefore supported the Motion of the right hon. Gentleman.

SIR GEORGE GREY: One of the reasons urged by the right hon. and learned Gentleman, in support of the Motion for adjournment is, that no member of the Government has spoken of the Bill. I must, therefore, inform him (for he could not have been in the House), that my hon. and learned Friend the Attorney General spoke with singular clearness and ability, in explanation of its principles, at length. His speech, which was not tedious, lasted about two hours.

VISCOUNT PALMERSTON said, if he thought it was really the wish of hon. Gentlemen to express their opinions on the Bill, he would have no objection to an adjournment.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 125; Noes 188: Majority 63.

Question again proposed.

MR. HENLEY moved that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."

VISCOUNT PALMERSTON hoped that the right hon. Gentleman would not press his Motion, as the House had already, by a considerable majority, expressed its wish that the debate should proceed.

MR. WALPOLE said, he intended to support the second reading of the Bill, although he thought that some of its clauses required Amendment. It could not, therefore, be supposed that he desired to defeat the measure. But his right hon. Friend's Motion being simply meant to affirm that the discussion ought not to terminate until the right hon. Member for Oxford University (Mr. Gladstone) and other hon. Gentlemen, who took a deep interest in the question, had had an opportunity of expressing their sentiments upon it, was, in his opinion, perfectly reasonable. If another evening were devoted to the debate, the Bill, when it passed into law, would be much more acceptable than it could be if hurried through without deliberation.

MR. HENLEY said, that as, by the rules of the House, he could not again move the adjournment of the debate, he had moved the adjournment of the House. His sole object was, to obtain more time for discussing this important measure.

SIR GEORGE GREY observed, that he had never known a great debate in which less eagerness to catch the Speaker's eye had been shown by hon. Members who were said to be very anxious to address the House. The debate had been one of a very languid nature, although the attendance was good, and there was no reason why the right hon. Member for Oxford University should not, at any time, during the last five hours, have commanded the attention of the House, and delivered the speech which he so much wished to defer till another evening. Indeed, there appeared to have been a predetermination to obstruct the progress of the Bill. Protesting against the unreasonableness of this demand for an adjournment, he yet could not advise the House to enter into a contest against a pertinacious minority in which both sides were certain to lose their time and their rest, and perhaps, also, their tempers.

MR. NAPIER said, that several hon. Friends of his were anxious to explain their views upon this subject. For his own part, he had expected that the Solicitor General, the right hon. Baronet (Sir G. Grey), or some other Member of the Government, would have addressed the House; and he had purposely waited in the hope of hearing their opinions.

SIR WALTER FARQUHAR said, he supported the Motion for adjournment, on the ground that the question was one of great social importance, to the discussion of which it was but reasonable that full time should be devoted.

MR. HENLEY said, he was willing to withdraw his Motion for the adjournment of the House, on the understanding that the debate should be adjourned.

Motion by leave *withdrawn.*

Question again proposed; Debate arising; Debate *adjourned* till *To-morrow.*

ECCLESIASTICAL COMMISSION BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 17 to 19 inclusive, *agreed to.*

Clause 20 (Enfranchisement of Church leaseholds.)

MR. HENLEY remarked, that he thought it was very objectionable to discuss a clause of that importance at a quarter to one o'clock in the morning, and after the House had been sitting with a slight interruption for thirteen hours. He would move, therefore, that the Chairman should report progress.

MR. INGHAM said, he should oppose the Motion. The clause merely established by statute that course which had been voluntarily adopted in all recent negotiations. The clause which was purely permissive, had received the assent of all parties interested.

MR. HENLEY observed, that he had been told that the three last lines of the clause would prevent the conversion of leases for lives held under chapters into leases for years, unless it was done in a very short period.

SIR GEORGE GREY said, that the clause merely gave legislative sanction to what was now done. It was founded on the Report of the Committee of last year, when the interests of the Church were very well taken care of.

MR. SPOONER said, that he must deny that all the lessees assented to the clause.

Motion *withdrawn*: Clause *agreed to,* as were also Clauses 21 and 22.

Clause 23.

SIR FITZROY KELLY regretted that a measure of such vast importance should be brought on at that hour in the morning, when it was impossible for any one to secure the attention of the Committee.

SIR GEORGE GREY suggested that notice should be given of any Amendments intended by the hon. and learned Gentleman.

MR. AYRTON entered his protest against protracting the sitting for the consideration of this Bill.

SIR HENRY WILLOUGHBY moved that the Chairman report progress.

MR. HENLEY supported the Motion for reporting progress.

House resumed. Committee report progress. To sit again *To-morrow* at Twelve o'clock.

COUNTY COURT JUDGES (FALCONER AND YATES'S SALARIES) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

SIR JOHN PAKINGTON said, he had intended to move as an Amendment that all the salaries of the County Court Judges should be fixed at the *maximum* amount of £1,500; but as he had been informed that it was not competent for him to do that, he would take the sense of the House on the question of proceeding further with the Bill; for he must protest against a Bill the effect of which would be to make the County Court Judges dependent on the Treasury for the amount of their salaries, a principle which he contended struck at the root of their independence. He wished to know on what grounds these two gentlemen, of whom he wished to say nothing in disparagement, were marked out for a higher salary than their brother Judges, and he expressed his determination to vivide against proceeding further with the Bill. Looking at the growing importance of the County Courts, and the great additional duties imposed upon them, it was essential they should have a higher class of Judges to preside over them, and they ought by a general Bill to provide that such a salary should attach to the office as would secure the services of men of the highest legal attainments. He should therefore move that the Chairman report progress.

VISCOUNT PALMERSTON observed, that the right hon. Gentleman was under a misconception as to the object of the Bill, which was merely to correct a clerical error in a Bill of last year. The salaries were fixed at £1,200 by the Bill of last year. The Treasury had no power to increase it, and the County Court Judges would in future receive £1,200 a year. But when the Bill he referred to was before the House, it was admitted that the two gentlemen in question were entitled, according to the rules laid down, to receive £1,500 and their names were inserted in the schedule with that view, but, by a clerical error, no sum had been placed against them. The clause in the body of the Bill stated that the Judges should receive the salaries affixed to their names in the schedule, but in this case the salaries were left blank, and the object of the Bill was to correct that error.

SIR FITZROY KELLY urged the insufficiency of the salaries of the County Court Judges generally, now that they were not allowed to practise at the bar, but objected to an increase in particular cases when all were equally entitled.

MR. GLADSTONE observed, that he thought as the House had decided the question of the salaries of the County Court Judges last year, they ought not to re-open that question on a Bill which was merely to remedy a technical error.

SIR J. PAKINGTON said, that as his main object was to raise a discussion as to the expediency of increasing the salaries of County Court Judges generally, he should not, after the explanation of the noble Lord, press his Motion.

Bill *considered* in Committee.

House resumed. Bill *reported*, without Amendment; to be read 3° *To-morrow.*

SUPERANNUATION ACT AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. GLADSTONE said, that as far as he personally was concerned, he was prepared, even at that late hour (twenty minutes to two), to proceed with the discussion of the details of the Bill, but he thought that the subject was of such importance that, notwithstanding the decision at which the House had arrived the day before, and the adhesion of the Government to the measure, it ought not to be passed on hurriedly. His object was, to ascertain clearly what was to be the position assumed with respect to the remuneration of the civil servants. The Secretary for the Treasury had announced on a previous occasion that the financial effect of the measure would be, by its direct effect and its probable results, an increase to the public expenditure of from £200,000 to £300,000 a year, and that appeared to him to be a serious matter. He wished to remind the House, that they had been sedulously told that in voting for the Bill they were not voting for an increase of the public burdens; and he believed that the noble Lord who had introduced the measure (Lord Naas) had put it to the House that they were not called upon to decide as to an increase of salaries to the public servants, but simply as to the question of the abolition of the deductions for the superannuation fund. Now, what was the position of the House with regard to the legislation proposed? Why, the Bill, in point of fact, rested upon neither the report of the Parliamentary Committee, nor upon that of the Royal Commission, for the Parliamentary Committee recommended a uniform revision of the salaries of the public servants with reference to the amount of deduction remitted, and the Commission looked upon the charge upon the revenue as being of merely of a temporary character. He asked the Government for explanations of their intentions with respect to the revision of public salaries.

THE CHANCELLOR OF THE EXCHEQUER said, that the decision of the House on the matter was one of the greatest importance. It was, however, now two o'clock, and the House would meet again at twelve. Therefore, without answering the right hon. Gentleman, he would suggest the postponement of this stage of the

Bill, that there might be an opportunity of coming to a clear understanding what it was the Government was expected to do if the Bill passed, because the Bill simply repealed the reduction without conditions.

Mr. AYRTON moved that the House do now adjourn.

Lord NAAS said, he could not accede to that Motion. The time of the House was entirely in the hands of the Government, and it was impossible for him to bring on the discussion on the Bill early in the evening. The Government had promised not to oppose its further stages, and to postpone it, as suggested by the Chancellor of the Exchequer, would have the effect of defeating the Bill altogether. There was nothing in the Bill to prevent the Treasury revising the salaries as they might think proper. He hoped the Government would adhere to their promise.

Mr. HENLEY said, they had, many of them, been there fourteen hours. The right hon. Gentleman (Mr. Gladstone) very naturally asked for explanations. The Chancellor of the Exchequer intimated that to give those explanations would occupy some time, and suggested the postponement of the Bill. That could hardly be regarded as opposing it.

Mr. SEYMOUR FITZGERALD complained, that upon the faith of the noble Lord's statement that the Government would not oppose the Bill many of its supporters were gone home. Advantage was to be taken of the hour of the night to defeat the Bill by delay. As a matter of justice and as a matter of honour the Bill ought to be permitted to go through Committee, and if it were not, no dependence could thenceforth be placed upon the assurance of the Government or of the leading Members of the House.

Viscount PALMERSTON said, he must disclaim present opposition to the Bill. The Chancellor of the Exchequer had merely asked for time to meet the observations of the right hon. Member for the University of Oxford. Perhaps those questions could be put and answered on the Report.

Mr. GLADSTONE said, it was only fair that he should know what the Government intended to do before the Bill passed through Committee.

The CHANCELLOR of the EXCHEQUER said, he did not initiate any objection or any opposition. That charge lay at the door of the right hon. Member for Oxford University. He was asked a question, and he did not think it desirable to go into the discussion at that hour of the night. To prevent misconception, and, perhaps, a reversal of the policy once adopted by the House, of which there was more than one example, there ought to be a clear understanding what the consequences of the Bill would be, and what course the Government was to take upon it.

Sir JOHN PAKINGTON said, that as the question stood it seemed to him a question of good faith—whether the promise of the noble Lord to his noble Friend not to oppose the Bill was to be kept.

Mr. GLADSTONE said, he gave notice at six o'clock that he should raise a discussion on the Bill.

Viscount PALMERSTON suggested that the Bill should be put off for another day.

Lord NAAS declined to accede to the suggestion.

Motion made and Question, "That this House do now adjourn;" put and *negatived.*

Question again proposed.

Sir HENRY WILLOUGHBY asked if it was the intention of the Chancellor of the Exchequer to introduce any clause into the Bill.

The CHANCELLOR of the EXCHEQUER: As I understand the decision of the House yesterday, it was that the clause in the Superannuation Act should be simply repealed. The effect of that will be to add 5 per cent to the salaries of those civil servants who are within the provisions of that Act and have more than a £100 a year, and 2½ per cent to the salaries of those who have less than that amount. My right hon. Friend (Mr. Gladstone) explained to the House that as this was technically a repeal of a tax and not a grant of additional salaries, the noble Lord had a right to make this proposition. Substantially, however, it is a grant of additional salaries to the civil servants. In that sense I take it, and if the Government were subsequently to revise those salaries, so as to make a diminution in them corresponding to this increase, they would be directly defeating the vote of this House. In the Bill of last Session there were words which imposed upon the Treasury the duty of revising the salaries, having regard to the amount of the deductions which were remitted. Had there been similar words in this Bill the Treasury would have known upon what principle they were to proceed, but their intentional omission seems to me to indicate that it is the clear intention of the House that that principle should not be acted upon. I therefore wish to state distinctly, that if the Bill passes in its present form the House must consider that it has of its own free gift, without any addition to the duties of the civil servants, and without reference to individual merit, made them a present of the additions to their salaries which I have mentioned. Her Majesty's Government will act upon that understanding of the measure, and will take no steps to revise the salaries of the civil servants. It must therefore be understood that the House has done this against the consent and advice of the Executive Government, and has also placed the Treasury in a position in which it may not be easy to resist the claims of that portion of the civil servants who do not now receive superannuation allowances, which will entail a prospective addition in the same direction. I hope that these consequences are distinctly in the contemplation of the House, and with that explanation I am quite ready, after the vote of yesterday, to assent to the Bill of the noble Lord.

SIR JOHN TRELAWNY moved the adjournment of the debate.

MR. WHITESIDE said, that after the speech of the Chancellor of the Exchequer everything seemed to be settled.

Motion made and Question put, "That the debate be now adjourned."

The House *divided*:—Ayes 18; Noes 77; Majority 59.

Main Question put, and *agreed to*.

House in Committee.

On the Question that the Preamble be postponed,

MR. GLADSTONE said, he would not attempt to defeat the Bill by successive motions for adjournment, but he protested against their being compelled to pass it through Committee without discussion. He thought that the Government were now as much responsible for the Bill as if it had originated with them. He deprecated the lavish expenditure of the public money which it would entail.

VISCOUNT PALMERSTON denied that the Government were responsible for the Bill. They had stated what they thought good objections to it, but the House, by a large majority, had overruled them. Having stated in the early part of the evening that it was not their intention to oppose the Bill, they could not in fairness now resort to any proceeding which could have the effect of defeating it by delay.

MR. AYRTON remarked, that he thought it was strange that the Government could not muster more than seventy Members against the second reading of the Bill. The only explanation of the smallness of the minority was, that the opinion of the House had not been fairly taken. Hence the necessity for further discussion.

SIR JOHN TRELAWNY observed, that he had no intention to offer any factious opposition to the Bill, but he hoped that time would be given for further consideration.

LORD NAAS said, the Bill had already been fully discussed, and, considering that it was very simple in its character, he trusted that no further delay would take place.

THE CHANCELLOR OF THE EXCHEQUER remarked, that the simplicity of the Bill was one of his strongest objections to it. It touched only a small part of the question of superannuation. He thought that too much haste—more than the Government durst venture to attempt—was exhibited in pushing it through the House.

MR. HANKEY said, the principle of the Bill was, that in future no deduction should be made from the salaries of civil servants. It did not enter upon the subject of future salaries, and it would be quite competent for the Chancellor of the Exchequer to introduce a clause to meet the difficulty which he appeared to anticipate.

SIR HENRY WILLOUGHBY said, he wished the noble Lord (Lord Naas) to explain the operation of his Bill, which, consisting as it did of a single clause, negatived an existing statute which gave superannuation to certain officers. If that Act were repealed, would not these claims to superannuation allowances be weakened? The Chancellor of the Exchequer indeed might take the power to revise the salaries.

MR. WALTER observed that he was in favour of, and had advocated the removal of the system of, deductions, which he believed to be altogether unsound in principle, but he had voted against the second reading of the Bill because he conceived it did more than assert a principle. If the noble Lord had simply intended to assert a principle he could have moved a Resolution condemnatory of the existing system, and he (Mr. Walter) would have supported such a Motion; but the effect of the present Bill would be to add from 2½ to 5 per cent indiscriminately to the salaries of 16,000 public servants. He could not, therefore, give his support to a measure the immediate effect of which would be to tax the public to he knew not what extent. The proper course would be for the Government to introduce a proposition stating that there should be some revision of the salaries of the civil servants, in order that the unsound principle of deductions might be abolished.

Mr. AYRTON said, he proposed to add a recital to the effect that it was advisable the salaries of the civil servants should be revised.

The CHANCELLOR of the EXCHEQUER did not think the words suggested by the hon. and learned Gentleman would meet the case. The Treasury had now the power of revising salaries. What it was material to understand was, whether it was intended that salaries should be diminished rateably, in the same proportion as the House was of opinion now they ought to be increased. If so, that principle should be distinctly inserted in the Act, otherwise the Treasury, in the exercise of their prerogative of revision, might hereafter be accused of contravening a solemn decision of the House of Commons.

Lord NAAS said, it was impossible to introduce into the Bill a clause for revising the salaries, as that could alone be done by the Treasury, which already possessed the power.

The CHANCELLOR of the EXCHEQUER said, the Treasury could not take up the case of each individual whose salary would be affected by the Bill, as that would be virtually to repeal the Bill.

Mr. NICOL moved that the Chairman report progress.

Motion made and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 31; Noes 49; Majority 18.

Sir JOHN TRELAWNY suggested that all the civil servants who were affected by the Bill should resign their offices, and go in again on the competitive system.

Preamble postponed.

Clause 1.

Mr. AYRTON moved to add to it the words "that the salaries of the civil servants should be revised, having due regard to the amount of reduction hereby made."

The CHANCELLOR of the EXCHEQUER opposed the Amendment, because practically it would put the civil servants in a worse position than they were in at present.

Mr. AYRTON withdrew his Amendment.

Sir JOHN TRELAWNY moved the addition of the following words, "Provided it can be proved that any individual has lost any advantages which without this Act he would have enjoyed, he shall receive compensation to an equivalent extent."

The CHANCELLOR of the EXCHEQUER said, that the Amendment could not be considered, as it would not be competent for the House to make such a charge upon the Exchequer without a Committee of the whole House.

Sir JOHN TRELAWNY was very unwilling to proceed with the debate at such an hour in the morning—ten minutes past three. The House was to meet again at twelve, and the pressure was exceedingly heavy upon the Speaker, upon Members, and upon the gentlemen who had to report the debates. He therefore would withdraw his Motion, and at the same time beg leave to move that the Chairman report progress and obtain leave to sit again.

Motion made and Question put, "That the Chairman do report progress and ask leave to sit again."

The Committee *divided*:—Ayes 20; Noes 55: Majority 35.

Mr. DILLWYN then moved that the Chairman do leave the chair.

Sir JOHN PAKINGTON said, he hoped hon. Members would not throw any further obstructions in the way of the Bill. These repeated divisions were discreditable to the House.

Mr. AYRTON remarked, that he would remind hon. Members opposite that the opponents of the present measure were doing nothing more then they had done when a measure affecting the seat of a Gentleman who had been elected for the City of London was under consideration.

The CHANCELLOR of the EXCHEQUER suggested that the Bill should be allowed to proceed through Committee. Opposition could be resumed on the third reading.

Mr. DILLWYN withdrew his Motion.

Clause *agreed to*. House resumed; Bill *reported* without Amendment; to be read 3° on *Monday* next.

House adjourned at half-after Three o'clock

HOUSE OF LORDS,

Friday, July 31, 1857.

MINUTES.] PUBLIC BILLS. — 1ª Employment of Coalwhippers; Valuation of Lands (Scotland) Act Amendment; Court of Session (Scotland); Charitable Trusts Acts Continuance.

2ª Parochial Schoolmasters (Scotland); Land and Assessed Taxes, &c. (Scotland) Acts Amendment; Lunatics (Scotland); Christ Church (West Hartlepool); Bankruptcy and Insolvency (Ireland).

3ª Bill Chamber (Scotland); Bankruptcy and Real Securities (Scotland); Commons Inclosure; Public Works (Ireland); Turnpike Acts Continuance.

INDIA.—THE COMMISSARIAT.

RETURNS MOVED FOR.

THE EARL OF **ELLENBOROUGH**: My Lords, I informed the noble Earl (Earl Granville) that I wished to ask him to-day whether he has any objection to lay upon the table certain returns which I think it is very desirable we should possess. The first to which I allude is a copy of any Order issued by the Governor General in Council for the purpose of providing carriage for the army in the North-Western Provinces after the first of February in this year.

The next is a return of all the carriage in the possession of the Commissariat in those Provinces and in the Punjab, according to the last accounts; and the third is, a copy of any Order issued by the late Governor General in Council, or by the Governor General acting with the powers of Governor General in Council, for the purpose of reducing the number of Commissariat animals in the North-West Provinces and the Punjab. I ask for these returns because I feel that in point of fact in the campaign now entered upon everything depends upon carriage. If the force now before Delhi had had sufficient carriage it would have been there on the 26th of May. It would then have found in occupation of the city not more than 5,000 men; and carrying with it, as it might have done, two 18-pounders, it would have knocked down a sufficient portion of the wall to have enabled it to make its entry and occupy that place; and even if it had not had two 18-pounders I cannot but think that English soldiers are capable of getting up a wall which English ladies are, it appears, capable of descending. There is no doubt, therefore, that had the force arrived at that time, sufficiently provided, it would have obtained full success, and many of the deplorable calamities which have taken place in India from that period to the date of the last accounts would have been prevented. My Lords, this is not the way in which war used to be carried on in India. I recollect—I was a boy at that time—hearing with admiration what General Gillespie did when a similar mutiny, terminating in the destruction of all the officers of a Native regiment, occurred at Vellore. He was then quartered at Arcot, nine miles distant, and in one hour and a quarter after receiving the intelligence, not waiting for 18-pounders, he burst open the gates with his gallopers—entered with his gallant troops, sabred all the mutineers, and there was an end of that mutiny. That was the way in which we carried on war in India when we were forming an empire—that is not the way in which we maintain one: those were the days of the red hand—these are the days of red tape. Well, from the want of carriage, that force arrived before Delhi on the 8th June—fourteen days too late—and there were then at least 10,000 men in the city. Sir H. Barnard had to fight for his encamping ground; but he beat the enemy and took all his guns. There are men whose genius has inspired them, and who, flushed with victory, have followed up their advantages until all has been gained. It has not been the fate of Sir H. Barnard, however, to accomplish that. What is now the position of Sir H. Barnard for want of carriage? It may be said that I am arguing after the event, and that the necessity for carriage could not have been foreseen. Sir Charles Napier, nine years ago, foresaw all this; and it is the quality of such men as he was to foresee events of great moment and to provide for their occurrence; others wait till the events have happened, and then take means, not always successful, to remedy them. The first class are the men by whom empires are won; the others are those by whom empires are endangered or lost. But what is the position of Sir H. Barnard before Delhi? He has again and again repulsed the enemy in their attacks on his position; but he has done no more. He says that he is waiting for reinforcements; but there are no reinforcements to go to him unless you evacuate the Punjab, and he has no artillery necessary for bombarding. No doubt, a premature attack, which must necessarily have failed, would have been most disastrous to our influence in India; and I rejoice that it has not taken place. Sir H. Barnard is in a position very similar to that in which the Duke of

Wellington stood on the frontiers of Portugal after the battle of Talavera, when he said that if he could keep his army intact there was no danger of the French conquering Spain. So of Sir H. Barnard;—so long as he keeps his forces intact, the Native States will remain faithful; but if he suffers a repulse, the native princes will not be able to resist the pressure of their own people. But I am of opinion that Sir H. Barnard cannot remain where he is—the climate forbids it. When the heavy rains set in he will be cut off from Meerut, from Umballah, and from the Punjab; he will be imprisoned in a very narrow slip of land, and he will be in a situation—I will not say of peril, but in a situation which can only end in ruin and destruction. If he cannot attack Delhi with a certain expectation of success, he ought to retire in time to Meerut, and thence to Umballa, and unite with the troops in the Punjab; and I trust he may be able to strike some great blow while in motion, so as to leave a formidable impression of the British forces, and then place himself with his back to the hills, where Europeans can live, and there await the arrival of the grand army which should move up the Indus and the Sutlej. But all these difficulties and dangers would have been avoided if the army had had that carriage in the first instance which ought to have been prepared early in February, and which in former times it always possessed. I wish also to say a few words as to the state of Calcutta. We have not indeed sufficient information to enable us to judge of the necessity for the extreme measures which the Governor General has adopted. He has disarmed all the Native troops, although but a few days before he had gone to Barrackpore to thank a Native regiment for having offered to march against the mutineers. Your Lordships know enough of Calcutta to be aware of the perilous position in which such a measure must place that city. Even the Governor General's body guard, which every one thought was as fully to be relied on as Her Majesty's Guards, has been apparently disarmed, for no exception has been stated. Your Lordships will remember, too, that to disband a regiment is to punish it only—but to disarm it is to dishonour it. And what is to be done with the men? Are they to be kept there, or are they to be sent into the country? If the latter is done, it will have the same result as disbanding them, but with the addition of exasperating them by dishonour. It is stated that the Europeans at Calcutta have made an offer to form a volunteer corps, which, however, has been declined. I do not hear that steps were taken to arm the vessels, to make use of the marine force in any way, or, indeed, that any measures of precaution were adopted to provide against this outbreak; and we are informed that in a moment the town of Calcutta was thrown for protection upon its merchants and clerks, walking about under umbrellas, with revolvers in their pockets. How are you to provide a guard for the Mint or the Treasury? Such a state of things cannot last. It is impossible for any power to attempt to govern a country without the aid of its inhabitants, or to defend a city if the population are opposed to you: if you do so it is conquest, not government. What has been the conduct of the Indian Government in this crisis? The measures adopted by the Indian Government are such as to shake confidence in its duration. I regret that any necessity should have arisen for any measures whatever; but that they should be in absolute contradiction to the current of all the measures which had been adopted during the previous two or three weeks is what I cannot understand. My Lords, I am willing, and always shall be, to give to the Government of India all the material support which it is possible for this country to afford, and more than Her Majesty's Ministers appear to be willing to accept; but, looking at the want of carriage which has paralyzed the operations of the army, at the constant change from actual alarm to excessive self-reliance, and at the oscillation from day to day between measures of totally different tendencies, it is perfectly impossible for me, and I think it must be impossible for any one, to place confidence in that Government.

The Noble Earl concluded by *moving:*

That there be laid before this House,

1. Copy of any Order given by the Governor General of India in Council, or by the late Commander in Chief in India, since the 1st February 1857, for providing Carriage for the Troops at the several Stations in the North-west Provinces and the Punjab:

2. Copy of the last Return of the Number and Description of Commissariat Animals at the several Stations in the North-west Provinces and the Punjab:

3. Copy of any Order given by the late Governor General in India in Council, or by the late Commander in Chief when assuming the Powers of Governor General in Council, for reducing the Number of Commissariat Animals heretofore kept at the several Stations in the North-west Provinces and the Punjab.

EARL GRANVILLE: My Lords, with

regard to the papers which the noble Earl has requested me to present to the House I have no objection to do so, although I do not think much practical good will result from their production. Her Majesty's Government are certainly anxious to give any information that any of your Lordships may think necessary with regard to the present state of affairs in India. The noble Earl has gone very much into military details with respect to the war now going on in India. I do not think that your Lordships wish me to follow the noble Earl in those details; I think that I, who have no pretension to any great military knowledge, would simply be making myself ridiculous by attempting to do so; and I must say that I attach even less importance than I was inclined to attach to the observations of the noble Earl on this subject a few days ago, when he went into military details to which it was utterly impossible for me or any one of your Lordships, or indeed any person whatever, to give an answer; for I find that some of the principal statements then made by the noble Earl, have since, by the communications made by persons not in England, but on the spot, received a most distinct and positive negative. And I do think it is most extraordinary that the noble Earl, who speaks with all that authority to which his knowledge and experience entitle him, should be so anxious to criticise the conduct of the Government in India, as to come down here night after night for the purpose of entering into discussions on those very points on which we have no information, and on which it is impossible for the noble Earl himself to have any reliable information. The noble Earl has this evening come down with that intention, although on this very evening we expect to receive by mail more ample information; and if it does not throw the whole of the light that might be given, it will, at all events, throw some light on this question. The noble Earl has studied military questions, and I, therefore, who am an ordinary civilian, do not choose to expose myself by speaking on military details. About a year ago, during a conversation which I had with Mr. Macaulay, he pointed out to me a passage with which perhaps I ought not to trouble your Lordships, but I really think it does apply in some degree to discussions of this detailed character in this House upon facts with which you are not well acquainted. The passage occurs in the speech delivered by Lucius Æmilius to the Roman Senate, at a moment when military operations were being carried on abroad. The speaker says, there are many men among us who know how to lead an army into Macedonia, who can point out where camps are to be located, and which are the places that ought to be guarded; who know exactly the moment and by what means Macedonia is to be entered; who know where the granaries are to be placed, and by what land or sea transport the commissariat is to be supplied; who know when they ought to come hand to hand with the enemy, and when it would be better to remain quiet; who not only settle what is to be done, but when anything else is done without their advice complain of that person who ordered it to be done to the Government. He then says,—

> "Hæc magna impedimenta res gerentibus sunt. Neque enim omnes tam firmi et constantis animi contra adversum rumorem esse possunt, quam Fabius fuit; qui suum imperium minui per vanitatem populi maluit, quam secunda fama male rempublicam genere."

He then goes on to say that he is not one of those who think that Governors General are not to be admonished, and he adds,—though I think the noble Earl will not agree with this sentiment,—"But I think that he who carries all things by his own opinion is rather a proud man than a wise one." And he goes on in that strain. I do think that, when the noble Earl states that he is ready to give all material support to the Governor of India at a great crisis like this, if he took a wise and judicious view of what that public spirit, which he possesses in an eminent degree, requires, he would feel that some little moral support was not entirely out of the question. The noble Earl has himself been accused, in a very interesting historical account, which many of your Lordships may have read, of vacillation, of giving contradictory orders, and of I know not what else, when a most important crisis occurred during his Governor Generalship of India. I am sure the noble Earl does not admit the justice of those criticisms. If he thinks that they were unjust—and it should be remembered that they were not made till eight or nine years after the event, and when he was in this country, and able therefore at once to confute his accuser—I ask him whether he considers it is just, in his place, and with his authority, in this House, to speak on facts with which he really is most imperfectly acquainted, and to throw discredit upon those who are displaying their utmost energies in a most important crisis. I do not wish to defend any person in this House merely because he is employed by the Government; but this very morning I received several communications from persons not, perhaps, so eloquent as the noble Earl, but who certainly have had as much experience of the affairs of India, and whose opinion is entitled to as much weight as that of the noble Earl. They are perfectly indignant at the aspersions which he threw upon the Government of India last night, and say that, according to the very best accounts which they have received, everybody has been astonished, not only by the energy and industry, but by the singular calmness and real courage which Lord Canning has shown on this occasion. I have seen a quantity of telegraphic messages which were sent by Lord Canning in every direction on the very first day on which information reached him of the mutiny. The proof of the pudding is in the eating of it. The troops are pouring in, according to the last mail, and I have no doubt that that intelligence will be fully confirmed by the next mail. It is said that people in India were greatly surprised how the European forces could have been collected so rapidly, and that the moral effect of their arrival was beginning to be strongly shown. My Lords, I thought it right to make these remarks. The noble Earl comes down here day after day and makes statements as to the state of affairs on India which I am sure cannot be well founded. It is utterly impossible that he should know the whole of the facts, and therefore I do trust that your Lordships will calmly consider these matters, and that you will not be led away by any unnecessary alarm. I think it is of the utmost importance that there should not go out by each mail to the Natives of India something which may induce them to suppose that one of the most powerful parties in this country is treating the Indian Government with contempt, and affecting a disbelief in its ability to meet the present state of things in India.

THE EARL OF ELLENBOROUGH: The observations which have been referred to by the noble Earl were certainly made a very long time ago; but the principles of war have always been the same, because they are founded on common sense. If Lucius Æmilius were now, instead of the noble Baron, Secretary for War, I feel sure that he would agree with me on those two points that I have already mentioned,—viz., that no army can move efficiently without the means of carriage, and that time is everything in war. Now, all I said with respect to the proceedings before Delhi rested upon those two principles. The noble Earl has referred to what is supposed to have been the course of my conduct in India.

EARL GRANVILLE: I did not express any opinion on that subject. I merely stated that it had been commented upon.

THE EARL OF ELLENBOROUGH: When I landed in India I found that a great military disaster had occurred, and that things were, in fact, precisely in that position in which I take them now to be—that is to say, one-half of the people were in a state of panic, while the other half were in a state of the most absurd self-confidence. I took my own line between the two, as that course seemed to me the best to meet the danger; and I must say, whatever may be the authorities from history to which the noble Earl has referred, I am consoled, in the midst of all that has been said with respect to my conduct in India upon military subjects, by what the Duke of Wellington said here, that whether I gave an order to stand still or to advance or to retreat I gave the right order under the circumstances shown to me at the time.

THE MARQUESS OF CLANRICARDE: I do not wish to pronounce a summary judgment upon any Governor General of India, past, or present. I do not wish to give a history of any order which the noble Earl opposite may or may not have given to General Pollock, under any particular circumstances; but I think with the noble Earl (Earl Granville), that the noble Earl opposite has not acted in this matter in a manner which becomes a member of the British senate. The noble Earl has not only not given his moral support to the Government, but concluded his speech this evening—a speech in which he displayed his powers to the utmost, and which we know was prepared, for he gave us notice of it—by saying that he has no confidence in the Indian Government. Why does not the noble Earl move for a change in that Government? If we had a more numerous attendance of peers, or if we could have anticipated the delivery of such a speech as we have heard tonight, I would undoubtedly have moved, as an Amendment to the Motion before your Lordships, that this House has confidence in, and is ready to support the Government of India. This I would have done, because if it is to go out to India and to the world that the generals and civilians to whom the management of affairs is intrusted have not the confidence of those in this country who set themselves up as great authorities on Indian subjects, great mischief is likely to ensue. The noble Earl ventures upon a discussion of details about which he confesses that he knows very little, and which he founds merely upon a telegraphic report that a certain regiment had been disarmed instead of disbanded. For all that we are aware of to the contrary, there might have been very sufficient reasons for disarming this regiment, and the noble Earl was himself compelled to admit that the nature of the emergency may have rendered such a step advisable. If the noble Earl can place no reliance on those by whom affairs are conducted in this great crisis, it is, unquestionably, his right and his duty to say so. But it is neither his duty nor his right to throw distrust on the Government of India without testing the real feeling of your Lordships on that subject. It is only due to those who occupy positions of great responsibility in India, that nothing should be done to weaken their power and authority as long as they hold difficult official situations. My Lords, I have myself given notice of a question connected with the Indian Government which I wish to put to Her Majesty's Government, but it is not one that can impair the power of the Government in India. At the present moment, the Indian Government is crippled by a set of perfectly absurd regulations. Those regulations relate to the civil service of the East India Company. Provision is made by an Act of Parliament for sending out, upon certain reports from the Governor General, individuals to supply vacancies in the civil service to a limited extent; and regulations are made by the Boad of Control, by which the Indian Government is bound and fettered. I cannot exactly say what those regulations and instructions are; but it is well known that the civil service has long been inadequate to supply the wants of its own branch of the administration, and that it has been necessary to supplement it by drawing away a great number of officers from their regiments, in order to place them in civil employment. No doubt, many of these officers have been spoilt for military duties by having been thus turned into civilians. Still, a certain proportion of them would surely be found useful in the present emergency, if restored to their regiments. I therefore wish to have an assurance that, if these officers are sent back to the army, the Governor General shall not be prevented by any network of foolish regulations, from supplying their places in the civil departments by any class of men whom he can find in the country. There is a large available population of Europeans, East Indians, natives of India, who are well qualified for employment under the Government; and the Governor General ought to be at liberty, irrespective of any regulations as to covenanted or uncovenanted service, to appoint these men, at least provisionally, to any civil situation in which he may think they would prove useful. My Lords, I will only add that if Parliament have not confidence in our present Indian administrators, the sooner it substitutes for them persons in whom it has confidence, the better it will be both for this country and for India.

THE EARL OF MALMESBURY: My Lords, I have long known the courage of the noble Marquess, but I did not expect from him the hackneyed reproof, so often given to this side of the House when we differ from Her Majesty's Government, and express something like a want of confidence in their exertions and their opinions,—namely, that we ought to bring forward a vote of censure upon the Ministry and challenge the House to a division. We should deserve small credit for public spirit if, because we entertained some misgivings as to the conduct and views of the Government, we were to press a Motion of a want of confidence in the Ministry to a division, in order to show to the country at this critical emergency that there exists a great conflict of opinion among the members of the Legislature. Moreover, by such a course, we should probably expose ourselves to aspersions like those unjustly cast upon us on a former occasion—namely, that for party objects we did not hesitate to side with the mutineers rather than with the Government. What, my Lords, is the meaning of challenging us to show a want of confidence in Her Majesty's Government?

THE MARQUESS OF CLANRICARDE: I spoke of a want of confidence in the Indian Government.

THE EARL OF MALMESBURY: That distinction is very like a quibble upon words. It is the duty of Her Majesty's Government as well as of the Indian Government to meet this emergency; but I cannot believe that the noble Marquess is serious in wishing a Motion of confidence or no confidence, whether directly in Her Majesty's Government or indirectly in the Government of India, to be pressed to a division in either House of Parliament. Of all persons in the world the noble Marquess has the least right to admonish us to be careful how we criticise Indian affairs.

THE MARQUESS OF CLANRICARDE: What I said was, make what remarks you please, but don't make them in a way that can lead to no good practical result.

THE EARL OF MALMESBURY: If these subjects are not to be discussed—if a noble Lord is not say that personally he has no confidence in the Government of India, you might as well close the mouth of every Opposition Member of this House. Indeed, if the doctrine of the noble Marquess is to prevail, instead of separating, as it is said we are to do, soon, we might as well break up for the Session after the sitting of this very night. I confess, my Lords, that I was hardly prepared for this extreme delicacy now recommended to us on Indian affairs. For two long years has the noble Marquess assailed the ears of this House with his denunciations of almost every institution in India. He has complained of the courts of justice and their administrators, of the system of taxation, of the practice of torture, and, in short, of every conceivable grievance that could be heaped upon an oppressed people. And when the noble Marquess thinks fit to lecture us about mischievous speeches, does he not lay himself open to the retort that his own speeches for the last two years have helped to produce all the mischief in India which we are now deploring? I do not charge him with the direct responsibility for such a result. I merely say that the tone he has adopted to-night might fairly expose him to such a rejoinder. If every one who differs with the Government in opinion ought to divide the House, why, on the many occasions to which I have referred, did not the noble Marquess himself have the courage to divide?

THE MARQUESS OF CLANRICARDE: Almost every Motion that I made was carried.

THE EARL OF MALMESBURY: But the noble Marquess' Motions were merely Motions for papers, and his speeches were only paper speeches. They had no practical effect, or at least their effect, if read in India, could only be pernicious. But I say, my Lords, that these discussions are of use, because their tendency is to rouse the country, which now appears to be lulled in a false security. I am sorry to see, in all the language held by Her Majesty's Ministers in both Houses, symptoms of a spirit calculated to encourage supineness and over-confidence. These are not times in which to blind the eyes of the community. It is impossible, in my opinion, to exaggerate the magnitude of the peril of this crisis, and it would be most impolitic to do anything to prevent the spirit of this country from being thoroughly roused to a sense of the position in which the Indian empire is placed. The noble Earl (Earl Granville) cannot say he was taken unawares, because he brought down a printed book wherewith to answer my noble Friend. [Earl GRANVILLE: The noble Earl gave me notice of his intention to bring the subject forward.] I have only to express a hope that the noble Earl and his colleagues may follow the advice which my noble Friend has given them in his last two or three addresses in this House. No one is able to give them such good advice, and no one can speak with so much experience upon the affairs of India. Above all, I entreat the Government not to blind their eyes to the danger of the present state of affairs in Asia, because the greatest possible danger exists, and by underrating the extent of that danger they fail to arouse that national spirit which is the best safeguard against any perils which may threaten the country.

THE MARQUESS OF CLANRICARDE: I did not wish to stifle discussion. I only protested against an incidental attempt to cast censure upon a person whose conduct you are avowedly not in a position to judge.

THE DUKE OF ARGYLL: My Lords, we do not complain that the noble Earl (the Earl of Ellenborough) has expressed a want of confidence in Her Majesty's Government, but that he has expressed an utter want of confidence in the local Government of India, with regard to the proceedings of which he can know nothing whatever. The grounds upon which the noble Earl justifies his want of confidence are directed against the abilities, the judgment, and even the industry of the Governor General of India. The noble Earl assumes that the means of moving the army will be wanting, and he says that it is a canon in military matters that you cannot move an army without the means of carriage. Why, my Lords, whoever disputed that an army cannot move without carriage? But what right had the noble

Earl to conclude that there had been any difficulty in finding the means of carriage? By the last mail not a word was said upon the subject — what the army was then waiting for was a siege train. But supposing there was a want of the means of carriage, the next question is, whether this great outbreak could have been foreseen. Now, what is the evidence upon this point? The noble Earl has referred to Brigadier General Hearsey. No man in India has perhaps had more experience in mutinies of the Native troops than Brigadier General Hearsey. I believe that upon one occasion during the administration of the noble Earl, and on three or four other occasions, General Hearsey has been successfully engaged in putting down mutinies of the Native troops. Yet General Hearsey says that he had not the least idea of it, and that it was utterly unknown to him that he had been sitting over a mine. Well, then, what right has the noble Earl to expect that Lord Canning should have better information as to the state of feeling among the Native troops than General Hearsey, who has been twenty years in India, and who is familiar with their language and habits? The noble Earl next complained of the disarmament of certain troops in Calcutta, and he contrasted that disarmament with a recent address made by Lord Canning to the same troops, expressing confidence in their loyalty. But, my Lords, was it not the duty of the Governor General, so long as he had a hope of the fidelity of the Native troops, to assume that they would be loyal? What has been said upon this subject by as great a man as the noble Earl? Sir Thomas Munro says you ought always to show confidence in the Native troops, and address them in the language of confidence. So far did Sir Thomas Munro carry that doctrine, that he objected to the system of always mixing European and Native troops, and said that they ought not to be mixed, in order the more strongly to show your confidence in the Native troops. Lord Canning may have been hoping against hope, and he may have had suspicions of the future fidelity of the Native troops, but he was justified, until the reverse had been shown, in expressing confidence in their fidelity and loyalty. Subsequent events and the discovery of a plot led the Governor General to doubt the fidelity of those troops. Was he to leave them with arms in their hands, to cut the throats of their officers, as had been done in other places? What could he do but disarm them? Why should the noble Earl complain of that? The noble Earl says the conduct of Lord Canning is a proof of vacillation and weakness. I say it was a change of opinion arising from a change in the evidence before him. The noble Earl says that, having disarmed the Native troops, the Governor General left Calcutta to be defended by the civilians armed with umbrellas and revolvers. My Lords, that is a fancy picture, the truth being that the noble Earl knows nothing whatever about the matter. The noble Earl not only said that Lord Canning has done what he ought not to have done, but that he has failed to do what he ought to have done, and that he ought to have embodied the marines and sailors for the defence of the city. But does he know that he did not? Until the mail arrives he can know nothing about the matter. Suppose when the mail arrives it appears that Lord Canning did not resort to that step—is the noble Earl sure that it was a necessary step? It will probably appear that, owing to the fortunate diversion of the Chinese expedition, and to the arrival at Calcutta of large numbers of the European troops employed in China, the safety of Calcutta was for the time perfectly assured without calling upon the sailors and marines. I ask your Lordships whether the noble Earl is justified, upon such assumptions, in using his great authority and the influence of his character and experience in depreciating the exertions of the local Government of India. Her Majesty's Government at home are always greatly obliged by the noble Earl's suggestions and always consider them with deference to his opinions, but my noble Friend and the noble Marquess complained, and I think with justice, of the irrelevancy of the noble Earl's speech and of its tendency unjustly to disparage the local Government of India.

Motion *agreed to.*

PAROCHIAL SCHOOLMASTERS (SCOTLAND) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD KINNAIRD moved the Second Reading of the Parochial Schoolmasters (Scotland) Bill. It was a measure to enable the parishes to pay the Schoolmasters of Scotland the salaries they now receive, as well as to clear up the question which had been mooted as to whether they had a right to any salaries at all. It was merely a Continuance Bill, introduced at the request of the Lord Advocate, who feared that it could not be passed through the other House in time to comply with their Lordships' Resolution as to not reading Bills after the 7th August.

Moved that the Bill be now read 2^a.

Lord PANMURE said, he did not object to the second reading of the Bill. It was competent for the Scotch proprietors to refuse the payment of the schoolmasters, but, to their credit be it spoken, they had not done so, nor had they permitted the doubt to make any difference in their payment. He hoped the Bill would have the effect of keeping the subject before the public until a comprehensive measure on the subject of Education in Scotland should be passed.

Lord POLWARTH said, he would not oppose the Bill. He hoped that the schoolmasters to be appointed under the Bill would be made to feel that they held the same independent position that other schoolmasters enjoyed.

Motion *agreed to ;* Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Monday* next.

TRANSFER OF REAL ESTATE BILL.

ORDER FOR SECOND READING DISCHARGED.

Lord BROUGHAM moved, that the Order of the Day for the Second Reading be read in order to its being discharged, as it was a measure he could not hope to see carried at that period of the Session. Some time ago he presented a petition to their Lordships from a learned conveyancer, who had for thirty years been the manager of what was called a Manor Court. During that time there had been a transfer of every one of the five hundred and odd estates of which that large manor was composed, and it was found that the average number of words in the conveyances for the sale of these estates was not much above seventy, whilst the expense of conveyance itself never exceeded seven shillings ; and there had never been in the whole period a single dispute, much less an action, arising out of any doubt or difficulty as to the conveyance or the boundaries of the estates conveyed. It therefore occurred to many persons who had examined this subject, that an inquiry by means of a Commission would be useful ; and, accordingly, an inquiry was instituted the result of which was the Bill, the second reading of which he was now compelled to postpone. The object of the Bill was simply to establish a system of registration, without which it was impossible, as he thought, to carry out any great or useful improvement in the transfer of property.

The LORD CHANCELLOR agreed with his noble and learned Friend that it would be in vain to hope to carry the Bill at this advanced period of the Session. He also concurred with him in thinking that the foundation of all improvement in the nature of simplifying, shortening, and cheapening the transfer of property must be found in some mode or other of registration ; that was to say, that facilities should be given to the purchaser of an estate for ascertaining exactly to what incumbrances it was subject. Whether the Bill of his noble and learned Friend was the best mode of doing this he did not pretend to form an opinion. The subject was, no doubt, a difficult and complicated one ; and he could assure his noble and learned Friend that the Bill, together with the Report upon their Lordships' table, should have his most serious consideration.

Order of the Day read accordingly, and *discharged.*

House adjourned at a Quarter-past
Seven o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 31, 1857.

Minutes.] New Writ—For Falkirk District of Burghs, *v.* James Merry, esq. Void Election.
Public Bills.— 1° Burial Grounds (Scotland) Act (1855) Amendment.
2° Divorce and Matrimonial Causes.
3° County Court Judges (Falconer and Yates's Salaries).

ELECTION COMMITTEES.—QUESTION.

Mr. BAILLIE said, he would beg to inquire of the right hon. Gentleman the Secretary of State for the Home Department, whether it was was the intention of the Government to order the Attorney General to prosecute all the persons reported to the House by Election Committees as having violated the laws of the country, or whether the prosecutions were to be confined to the cases of the persons reported against by the Mayo County Election Committee.

SIR GEORGE GREY said, he believed the ordinary practice to be that the Attorney General was ordered to prosecute on the Motion of the Chairman of Election Committees, if it were the opinion of the Committees, that what had taken place, justified such a proceeding. In the case of the Mayo County Election the Chairman of the Election Committee, with, he understood, the concurrence of the Committee, made a Motion for the prosecution of two individuals. He did not know who were the other persons to whom the hon. Gentleman alluded, but he had no doubt that if the Chairman of other Election Committees should make similar Motions, the House would deal with each case according to its merits.

PROBATE AND LETTERS OF ADMINISTRATION (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

MR. M'MAHON expressed a hope that the hon. and learned Gentleman would strike out all in the Bill relating to real estate, because the landed gentry and the farmers in Ireland were already sufficiently taxed. He should feel it his duty to offer every resistance to that part of the measure.

MR. J. D. FITZGERALD said, he only proposed to pass the Bill through Committee *pro formâ*, with the object of having all the Amendments printed.

Bill *considered* in Committee.

House resumed. Bill *reported;* to be *printed* as amended. Recommitted for Friday next at Twelve o'clock.

REVISING BARRISTERS (DUBLIN) BILL.

COMMITTEE.

Order for Committee read,

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. NAPIER said, he wished to express his disapproval of the Bill. Under its provisions the right of appointing revising barristers for Dublin would be vested henceforward exclusively in the Irish Executive. By that arrangement Mr. Shaw and the two other gentlemen who had since the year 1853 discharged that duty, and discharged it in an unexceptionable manner, would find their claims to a continuance of their office wholly set aside. He denied the justice and expediency of such a mode of proceeding; and he believed that the House ought not to invest the Irish Government with a power bearing so directly on the purity and freedom of election in the city of Dublin, where party spirit came into such strong and frequent operation, and where it was natural to suppose that the Government would desire the registration to be as favourable to them as possible, especially as a son of the Lord Chancellor of Ireland had been an unsuccessful candidate at the last election. He therefore begged to move that the House should resolve itself into a Committee on the Bill on that day month.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day month, resolve itself into the said Committee," instead thereof.

MR. J. D. FITZGERALD said, that he must complain of personal considerations being introduced into the discussion. He denied that the Lord Chancellor of Ireland or his son had anything to do with the Bill; and said it originated exclusively with himself and his learned colleague, the Solicitor General for Ireland, and the Chief Secretary, who determined, as a matter of law, that it was necessary to propose such a measure. The present question was merely a question as to the construction of an Act of Parliament, and it was absolutely necessary that some measure should be passed on the subject. Under the Reform Act the duty of revising the electoral lists for the city of Dublin were to be discharged by the chairman of the county of Dublin; but as that functionary had too much to do to perform that duty, Parliament had empowered him to appoint a deputy, and he had accordingly appointed Mr. Dobbs as his deputy in 1834. The duties of revision for the city of Dublin became very much augmented, and it became necessary to appoint three deputies. Accordingly, Mr. Dobbs (who performed the duties since 1834), Mr. Shaw, and Mr. Kemmis, were appointed. His right hon. and learned Friend seemed to throw Mr. Dobbs and Mr. Kemmis overboard altogether. In March last the chairman of the county of Dublin, who had appointed the three gentlemen, died, and he contended that with the death of the chairman the office, and consequently the duties, of the deputies ceased. In 1851 an Act of Parliament was passed which gave the Lord Lieutenant the power of appointing a revising barrister in the event of the death of the then chairman of the county of Dublin. The Government appointed Mr. O'Hara, a gentleman of twenty years' standing at the bar, under that Act, and as he could not perform the duties single handed, it was necessary to come to Parliament to give the Lord Lieutenant the power of appointing another. It was absolutely necessary that the Government should bring in this Bill in order that the electors of the city of Dublin might not be defrauded of their rights. The Solicitor General for Ireland took exactly the same view of the Acts of Parliament as he did. He denied that the Government were liable to blame for delaying the Bill, because when it was before the House on a former occasion hon. and learned Gentlemen objected to proceeding with it.

Mr. HARDY said, that it appeared to him doubtful whether the three gentlemen referred to were the deputies or substitutes of the late chairman. But he wished to call the attention of the House to the fact that in England these offices were annual, and selected by the Judges from non-political persons; while in Ireland there was a different system. It was essential, above all things, that revising barristers should be free from political bias, and yet the result in Ireland was shown by there being 17,000 disputed claims before the revising barristers. The Lord Lieutenant had the power of appointing one revising barrister by the Act of 1851. This was a false position, as his name was necessarily much mixed up with party conflicts, and one from which the Government should have taken the opportunity afforded them by present circumstances of retracing their steps. There were great difficulties connected with the law on this matter, and it behoved the House seriously to consider how it ought to act. The best course to pursue would be to bring in a Bill to continue in office the three gentlemen who had hitherto discharged the functions of revising barristers in Dublin, and to vest the appointment afterwards in the Judges.

Mr. BUTT said, that he entirely concurred in the remark of the hon. and learned Gentleman who had just spoken, that these appointments should be made by non-political functionaries, such as the Judges, which was the course followed in England, and he thought that, for the sake of the dignity of the Lord Lieutenant, and the confidence of the citizens of Dublin in his administration of the law, nothing could be more objectionable than to give such a power to him. That principle, however, had been sanctioned by the House in 1851, and the real question before them now was, whether they should go into Committee upon the Bill. In point of law, he was clearly of opinion that the jurisdiction of the three barristers appointed by the late chairman of the county of Dublin, to superintend the revision of the electoral lists, had ceased on the occasion of the death of that gentleman, whose deputies they had been. Still, when the House went into Committee he would be ready to support an Amendment which, while respecting the rights of the gentleman who had recently been appointed revising barrister by the Lord Lieutenant, would, in future place in the hands of the Judges the right of making these appointments.

Mr. WHITESIDE said, he could not but designate the Bill as a little job got up between the resignation of the right hon. Member for Stroud (Mr. Horsman), and the appointment of the right hon. Member for the county of Kerry (Mr. Herbert). The real objects of the Bill were, that the Government of Ireland should be enabled to remove any doubts that might be entertained with respect to the validity of the appointment of Mr. O'Hara to the office of revising barrister in the city of Dublin, and that they should have a right to bestow on some other gentleman a similar piece of patronage. Mr. Shaw was, it seemed, to be got rid of; but that gentleman, irrespective of any absolute right he might have to a continuance of his office, was entitled to the highest consideration for his character, his professional attainments, and the perfectly unexceptionable manner in which he had for many years discharged the duties with which he had been entrusted; and he (Mr. Whiteside) could not help feeling that if the Irish Government were to take every posible opportunity of ousting from public situations their political opponents, and appointing their partisans to the vacant offices, it would be impossible to defend the continuance of that Government in its present form. Several of the official appointments made in Ireland of late years had given great offence to no inconsiderable portion of the people of that country; and he might mention that two of the number had been considered so objectionable, that he had been asked to bring them under the notice of the House; but he had declined to accede to the request lest he should thereby subject himself to a charge of acting under the influence of a feeling of personal hostility. He thought it was not too much to ask the Government that when they find in offices men who were known to be respectable, they should not, merely because those men did not belong to their party, turn them off before they died. Being desirous that justice should be done, he should vote for the Amendment.

Sir GEORGE GREY said, he must express his regret that all measures relating to Ireland, whether of trifling or great importance, could not be brought forward without the introduction into the debate of personal questions, with which it was impossible the House could deal. The hon. and learned Member opposite (Mr. Whiteside) impugned the appointments made by the Lord Lieutenant, under the powers of Acts of Parliament. He insinuated that they had been made, not from corrupt motives, but without regard to the merits of the different candidates, and that men had been placed in those offices who were unfit for them. He was content to meet that assertion with a general denial. He believed that in making the appointments the Lord Lieutenant and the present Irish Secretary had been actuated by the single desire of promoting the interests of the public service. The hon. and learned Gentleman moreover had alluded to two appointments of which he seemed specially to disapprove, but which he had not brought under the notice of the House, from a fear of rendering himself liable to be charged with yielding to a feeling of personal hostility. But it appeard to him (Sir George Grey) that it would have been better for the hon. and learned Gentleman to have run that risk than to have indulged in sweeping accusations, which might extend to any person in office. Formerly the chairman of the sessions of the peace for the county of Dublin was the officer appointed by law to revise the register of voters for the city, but he had power to appoint deputies to assist him in the discharge of that duty. The Act of 1851 recognised the tenure of the chairman to this office of revising barrister, but it expressly enacted that on his death or resignation the Lord Lieutenant should appoint persons to perform the duties of the office during good behaviour. The chairman was now dead, and the ordinary rule of law was, that a deputy holding an appointment under a principal ceased to have an authority to act on the resignation or decease of his principal. Under the terms of that Act the Lord Lieutenant appointed Mr. O'Hara—an appointment to which he believed there was no objection—but the Attorney General for Ireland being persuaded that the whole work of revision could not be satisfactorily performed by one individual within the time prescribed by the statute, proposed that the Lord Lieutenant should be empowered to appoint a second person to act in conjunction with Mr. O'Hara. If the hon. and learned Gentleman thought the Lord Lieutenant should make one appointment and the House another, let him say so ; but that course would be utterly inconsistent with any precedent. If the House should think that the appointment should be placed in the hands of the Lord Chief Justice of Ireland instead of the Lord Lieutenant, that was a matter to be decided in Committee, but such a course of proceeding would be inconsistent with the principle established in Ireland, where the Lord Lieutenant appointed the assistant barristers by whom the electoral lists were revised. For himself, he could see no reason why they should distrust the Lord Lieutenant in such a case.

Mr. M'MAHON said, he could state that nepotism prevailed to a very considerable extent in the appointments of revising barristers made by the English Judges ; and he believed that a great majority of the bar of England would rather that power should be placed in the hands of a responsible public officer, such as the Secretary for the Home Department, than that it should be left in the hands of the Judges.

Mr. GREER said, that the case of the gentleman under discussion was rather put forward as an appeal than as a claim. Under any circumstances, power should be given to the Lord Lieutenant to appoint a sufficient number of barristers to revise the lists.

Colonel FRENCH said, that he was very much opposed to giving the appointment to the Lord Lieutenant and the Lord Chancellor of Ireland. It should be recollected that the son of the Lord Chancellor had stood for the City of Dublin at the late election, and was defeated. The gentlemen at present holding these offices had always discharged their duties satisfactorily, and it would be in accordance with the practice of the House that a selection should be made from them of the persons by whom the duties of the office were to be first discharged.

SIR BROOKE BRIDGES observed, that he thought that such a power ought not to be entrusted to a man filling a political position, and liable to be influenced by party considerations.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 90; Noes 57: Majority 33.

Main Question put and *agreed to.*

House in Committee.

Clause 1 (Lord Lieutenant may appoint two barristers under Civil Bill Act).

MR. NAPIER proposed that the additional barristers to be appointed under the Bill should be appointed by the Lord Chief Justice, instead of the Lord Lieutenant.

Amendment proposed, in page 3, line 3, to leave out the words "instead of the," and to insert the words, "in addition to the," instead thereof.

MR. J. D. FITZGERALD remarked, that he thought it much safer to leave the appointment in the hands of the Lord Lieutenant, who was a stranger to the country, and not mixed up in feeling with the local politics of Dublin, as the Lord Chief Justice might be. In England he knew there were many complaints that young and incompetent barristers were appointed to revise the list of voters, and in Ireland the Judges were less under the influence of public opinion. On grounds of policy and principle, he thought the appointment would be much better left in the hands of the Lord Lieutenant.

MR. WHITESIDE said he would support the Amendment. He contended that nothing could be more reasonable than the demand that the English practice in that case should be extended to Ireland. As he had remarked before, the object of the Bill was to create a new place.

MR. H. A. HERBERT said, when he first saw the Bill the objection he entertained to it was, that it created a new office, but on subsequent consideration he was convinced that another revising barrister was required. He had been long enough in his present position to know the inconveniences attending the creation of new offices in Ireland, and he could assure the Committee that it was the desire of the Government to create none for which there was not some absolute necessity.

COLONEL FRENCH could not understand why a second appointment should be made; but, if it must be made, he saw no reason for transferring the patronage from the Lord Lieutenant to the Chief Justice.

MR. BUTT said, he should feel bound to support the Amendment if it should be pressed to a division. But he should rather see it so altered that the power of appointing the new revising barrister should be given to the three Chief Judges in Ireland instead of the Chief Justice of the Court of Queen's Bench. It appeared to him that by such an alteration additional security would be obtained against any abuse of the power.

MR. HENLEY said, it had never fallen to his lot to hear that in appointing revising barristers the English Judges had been actuated by political considerations. The Attorney General for Ireland said the Judges were more under the influence of public opinion in England than in Ireland. Did he mean to infer that the Judges in his own country would not do right except under the influence of public opinion? If he did, such an expression of opinion on the part of the highest officer of the Crown in that country was entitled to considerable weight. Everybody knew these appointments did not, in fact, rest with the Lord Lieutenant, but with the Irish Secretary or some other person, who might be mixed up in the electioneering in the city of Dublin for the time being. These were offices which ought to be kept free from political partisanship. He thought that an important principle was involved in the Bill, and that the Amendment was entitled to the serious consideration of the Government. If the appointments were to rest with the Government, it would be impossible, even if the best men were selected, to convince the public that they had been made for any other but for political reasons. He therefore trusted the Government would allow the appointments to be placed in the hands of some independent functionary.

MR. GREER observed, that it seemed to be left out of consideration altogether that the decisions of the revising barrister were subject to appeal. There was no pretence for saying that the appointments of the Lord Lieutenant had been partisan appointments. That of Mr. O'Hara was not a partisan appointment. They would not find the Judges in Ireland always impartial. The appointment would be as well made by the Lord Lieutenant as any one else, under public opinion. But if there was to be a change, he did not see how the Lord Chancellor could be passed over.

MR. NAPIER said, that he was willing to give the appointment to such of the Judges as the House should decide, so long as it was taken from the hands of the Lord Lieutenant.

Mr. HILDYARD expressed his regret that neither the Home Secretary nor any other Minister was present, because he should have liked to know the opinion of the Government upon the important point now raised. No portion of the Reform Bill had given greater satisfaction than that which took the appointment of the revising barristers out of the hands of the Government; and notwithstanding what had been stated respecting the feeling which led to the appointment of revising barristers in this country, he maintained that a proof that these gentlemen had performed their duty well was to be found in the insignificant number of appeals brought against their decision.

Mr. J. D. FITZGERALD said, that he wished to explain that he had no intention to cast any imputation upon the Judges in either country. He had merely said he had heard complaints as to some of the appointments made by the English Judges. After all, those Judges were but men liable to all the feelings and affections arising from relationship and connection, and who performed their duties better than other persons because they were operated upon by the coercive influence of public opinion, which had not so great an effect upon the Irish Judges.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:* — Ayes 88; Noes 63: Majority 25.

Mr. NAPIER said, if the Government would agree to place the appointments in the hands of the Judges, he would not press the other Amendment, of which he had given notice, and he believed the Bill would pass without further opposition. If not, as he considered the principle to be a very important one, he should wish to take the sense of a fuller House upon it, and he should therefore raise the question upon the bringing up of the Report. He moved that the Chairman report progress.

Mr. BUTT inquired if his hon. and learned Friend would adopt his suggestion for placing the appointment in the hands of the three Chief Justices in Ireland?

Mr. NAPIER said, he was willing to do so.

Mr. J. D. FITZGERALD expressed a hope that as the hon. and learned Member intented to divide the House on bringing up the Report, he would not object to the Bill passing through Committee.

Colonel FRENCH thought that, in the absence of any Cabinet Minister, the debate should be adjourned.

Mr. HORSMAN hoped hon. Members would allow the Bill to go through Committee.

Mr. HENLEY repeated that the Bill involved an important principle, and said he thought there was a better chance of having it fully discussed in Committee than upon the Motion for bringing up the Report.

Colonel FRENCH believed that if the noble Lord at the head of the Government was present, he would not have disregarded the suggestions which had been made by the opponents of the Bill in its present form.

House resumed.

Committee report progress; to sit again on *Friday* next.

SLIGO (BOROUGH) ELECTION.

House informed, that the Committee had determined,—

That John Patrick Somers, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Sligo:

That the Right honourable John Arthur Wynne is duly elected, and ought to have been returned a Burgess to serve in this peesent Parliament for the Borough of Sligo.

And the said Determinations were ordered to be entered in the Journals of this House.

IPSWICH ELECTION.

House informed, that the Committee had determined,—

That Hugh Edward Adair, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Ipswich:

That John Chevallier Cobbold, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Ipswich.

And the said Determinations were ordered to be entered in the Journals of this House.

HUNTINGDON COUNTY ELECTION.

House informed, that the Committee had determined,—

That John Moyer Heathcote, esquire, is not duly elected a Knight of the Shire to serve in this present Parliament for the County of Huntingdon:

That Edward Fellowes, esquire, is duly elected a Knight of the Shire to serve in this present Parliament for the County of Huntingdon.

And the said Determinations were ordered to be entered in the Journals of this House.

PARLIAMENTARY OATHS.—QUESTION.

Lord JOHN RUSSELL gave notice that he would on Monday next move that a Select Committee be appointed to consider whether the provisions of the Act 5 & 6 *Will.* IV., c. 62, were applicable to Oaths appointed by law to be taken by Members of that House at the Table previously to taking their seats, and in what manner the said Act would apply, and to report thereupon to the House. He would propose to name twenty-five members of the Committee, and that all Gentlemen of the Long Robe should be Members. He wished to ask the noble Lord at the head of the Government whether, as this question concerned the seat of a Member of that House, and as the Committee would have but a short time for their inquiry, he would allow the Motion precedence on Monday?

Viscount PALMERSTON, in reply, said, that although he was very unwilling to assent to any course which would delay the business at present before the House, he thought that under the special circumstances of the case he could hardly refuse to accede to his Noble Friend's request.

EDUCATION.—QUESTION.

Sir JOHN PAKINGTON said, he wished to move an Address to the Crown for the appointment of a Commission of Inquiry on the subject of Education, and as he believed the proposal would not be opposed by the Government, and the discussion was therefore likely to occupy a very short time, he would beg to ask whether the noble Lord at the head of the Government would afford him an opportunity of bringing forward the Motion on an early day—say Thursday or Friday next?

Viscount PALMERSTON said, he would consult his colleagues, and would answer the question of the right hon. Gentleman in the course of the evening.

POOR LAW GUARDIANS IN IRELAND.
QUESTION.

Mr. MACARTNEY said, he wished to ask the Chief Secretary for Ireland Whether the Poor Law Commissioners for Ireland have come to any decision as to the legality or illegality of a paid Officer of a Union, and appointed a Magistrate, and thereby becoming an Ex-officio Guardian, taking part in the proceedings, and voting on questions affecting his conduct and remuneration; and whether there is any objection to laying on the Table of the House a Copy of the Correspondence between the Middleton Board of Guardians and the Poor Law Commissioners, upon the right of Dr. Barry to vote as an Ex-officio Guardian, he being one of the paid Officers of the Union?

Mr. H. A. HERBERT said, in reply to the first inquiry, he had to observe that the question had not actually been raised before the Poor Law Commissioners in Ireland as regarded Officers of a Union generally, but with regard to a doctor of a Dispensary district who was a Magistrate, the question had been raised whether he had a right to sit as an Ex-officio Guardian; and the Poor Law Commissioners had given it as their opinion that he was legally entitled to sit as a Guardian; but that as a matter of propriety and decorum he ought not to vote on any question involving the management of his own Dispensary or the amount of his own salary. There was a clause in the English Poor Law Act prohibiting any party who received a salary out of the Poor Rates from voting as a Guardian; and it was a very serious question whether it would not be proper to extend that provision to Ireland. With regard to the second question, he had to state that there had been no communication in which Dr. Barry was named at all, that abstract questions had been put by the Clerk of the Middleton Union. If his hon. Friend moved for that paper, he should not object to its being laid on the Table.

TROOPS FOR THE RED RIVER.
QUESTION.

Mr. ADDERLEY said, he would beg to ask the Under Secretary for War for what purpose Troops have been sent to the Red River?

Sir JOHN RAMSDEN said, the troops to which the hon. Gentleman had referred had been sent in order to replace a body of equal number whose term of service expired rather more than a year ago.

NOXIOUS TRADES AND NUISANCES.
QUESTION.

Mr. ADDERLEY said, the First Commissioner of Works had stated on the previous day that by the Nuisances Removal

Act there was no power to prevent the noxious trades to which allusion was then made being carried on; and he wished now to ask Whether there is not full power, under the Act 16 & 17 *Vict.*, c. 128, s. 1, to prevent any trade occasioning noxious effluvia in the metropolis above London Bridge, without using all practicable means for counteracting such annoyance to the neighbourhood?

SIR GEORGE GREY said, by the Act to which the hon. Gentleman referred power was given to the Secretary of State to direct information to be laid against persons carrying on noxious trades within the limits of the Metropolis, but there was a Bill passed last Session which, after reciting that power, provided that no proceeding should be taken under the said Bill against other nuisances than smoke, unless it should appear that the local authorities had failed to take proceedings for the suppression of such nuisances. He understood that the local authorities concerned in the nuisances to which the hon. Gentleman called the attention of his right hon. Friend the First Commissioner of Works on the previous evening were the vestry of Lambeth, and the First Commissioner had brought the subject under their notice.

MAIL CONTRACT PACKETS.

QUESTION.

LORD NAAS said, he wished to ask the Secretary to the Treasury What steps have been taken by her Majesty's Government in pursuance of the Report of the Committee on Contract Packets appointed under the Treasury Minute of 1st March, 1853; and whether it is now contemplated to grant an extension of any existing Contracts, notwithstanding the modifications recommended in that Report?

MR. WILSON said, the Report to which the noble Lord referred contained a great number of recommendations, and one paragraph in it, having reference to the length of contracts for the postal service, pointed out the true principles on which the original contracts and the renewals of contracts were made. He was not aware how far those principles had been acted upon. Most of the services had been let for a long period. The contract with the Peninsular and Oriental Company was for no less than eight years, and that with the Royal West India Mail Company was for eleven years. They had no official proposal before the Treasury at present for he extension of any of those services. Whenever they might have any such application before them it would be the time for them to consider whether it would be for the public advantage that any such extension should take place. Certainly on no other consideration would any extension take place; but at the present moment they had no such application before them.

THE BRITISH SCHOONER "MARIA."

QUESTION.

On the Motion, that the House at its rising do adjourn till Monday,

MR. JOHN LOCKE said, he wished to call the attention of the House to the seizure of the British Schooner *Maria* in Venezuela, and to inquire whether Her Majesty's Government have received any satisfactory reply from Her Majesty's Chargé d'Affaires at Caraccas on the subject. Although very strong representations had been made to the Chargé d'Affaires on this subject by the Vice-Consul at Bolivar, the former official had taken no notice of them, and therefore he (Mr. Locke) had thought it right to bring the matter to the notice of the House. The schooner *Maria*, commanded by Captain Ouseley, traded with cattle between Demerara and Venezuela; and it appeared that, so far back as the 17th of February, 1856, she, being then in ballast, was anchored at Caraccas, at the mouth of the Orinoco, for the purpose of loading with cattle and carrying them to Venezuela. When she was so anchored there, the custom-house officers came on board, and, finding that the vessel was simply in ballast, proceeded to seize certain small articles belonging to Captain Ouseley, consisting of tweed, cotton, and other things. They insisted upon duty being paid, and fined him 100 dollars. The Vice Consul considered it was a breach of the law on the part of the authorities at Caraccas to fine Captain Ouseley 100 dollars for having these articles on board when the vessel was in ballast. However that might be, the fine was paid, and also the duty on the articles mentioned. The cholera was then raging at Caraccas, and Captain Ouseley determined to go further up the river. Having anchored his vessel, he went on shore in search of provisions, and took these articles with him. His boat was boarded by a canoe, all the articles were seized, and he was taken to Bolivar. He was there put in a boat and taken down the river to where the *Maria* lay at anchor. The vessel was seized and carried back to Bolivar. It was not until a decree was obtained from the Court of Bolivar that the vessel was liberated, and when liberated the masts and rigging were found to have been destroyed. Captain Ouseley was unable to fulfil his contracts in Venezuela and Demerara, had been compelled to employ a lawyer to get the decree, and had been put to serious inconvenience and expenses, for which he claimed, as compensation, the sum of £3,000. Whether that claim was in amount right or wrong was not for him to decide; but Captain Ouseley was justified in complaining of the Chargé d'Affaires at Caraccas, who from that time to this had taken no notice whatever of his representations, or of the remonstrances of the Vice Consul. It must be obvious to every one that it was only to those deputed by the Government that traders in such places could look for protection, and therefore it was a case which imperatively demanded that the Government should call to account the Chargé d'Affaires at Caraccas.

THE INDIAN ARMY.—QUESTION.

SIR JOHN PAKINGTON rose, in pursuance of notice, to ask the First Lord of the Treasury whether he will lay upon the Table of the House the Report made by the late Lieutenant General Sir Charles Napier to the Duke of Wellington upon the organization, &c. of the Bengal Army. Perhaps the House might for a moment be of opinion that this question had already been put, and that the request had been already complied with, as they had a paper which purported to be an extract from the despatch of Sir C. Napier. But there was one paper which had been asked for, and which had not been adverted to in any one of the answers given upon this subject; and he had received private information of a reliable character, from which he believed that that paper which had not yet been produced was of very great importance. When the noble Lord at the head of the Government stated, in answer to the hon. and gallant Member for East Norfolk (General Windham) and his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), that the papers of the late Sir Charles Napier did not refer to the organization of the Bengal Army, but to the external defences of the country, he must say he thought at the time that the noble Lord was entirely mistaken. He (Sir J. Pakington) had reason to believe there were two distinct papers, of different dates, from Sir C. Napier, to one of which the noble Lord had adverted, but the other of which he had not noticed. The question of his right hon. Friend the Member for Buckinghamshire referred to a Report made by the late Sir Charles Napier to the late Duke of Wellington, upon the state of the Bengal Army, whereas the noble Lord spoke only of the external defences. He had felt it to be his duty to make inquiries again, lest he might have been deceived as to the existence of two Reports, and upon making those inquiries found his suspicions confirmed. He affirmed that two distinct Reports were made by Sir C. Napier, for he found that, although the Report of which the noble Lord spoke came to the Horse Guards, it was not made directly by Sir C. Napier to the Duke of Wellington, but was presented in the first instance to the Marquess of Dalhousie, and forwarded by the Marquess of Dalhousie to the Horse Guards. The Report presented to the House was written on the 27th of November, 1849, and in that despatch there was a passage which corroborated the statement which he had just made with respect to the existence of a second despatch. It ran thus:—

> "There are some things which admit of correction; this may be put right when the Commander in Chief is placed on a proper footing, but not till then. I shall consider this matter in another letter."

It was to that other letter that all these inquiries had been directed, and to that other letter the noble Lord had not referred in any of the answers which he had given to the House. He was informed that it was written early in the year 1850—that it was a Report of considerable length—that it adverted *in extenso* to the organization of the Bengal Army, to the state of that army, to the grievances of which the troops complained, and to the remedy which Sir C. Napier thought ought to be afforded. If he were correctly informed, the Report went on to foretell the evils which would inevitably result, unless the Government with a bold hand dealt with the condition of the Bengal Army. He thought at least it was clear that, if the Government objected to the production of that Report, it could not be for the reason assigned for not producing the other—namely, that as it related to the external defences of India, the public interest required that it should not be produced. The Report which he now asked for had nothing to do with the external defences of India, but related exclusively to the condition of the Bengal Army. He could not but think that, at this moment of exciting interest, a Report of so important a character would be most acceptable to Parliament. He therefore called the noble Lord's attention to what he conceived to be the misapprehension under which the noble Lord had answered former inquiries. He was sure the noble Lord had not intended to divert the attention of the House from one Report to another, and he was convinced the noble Lord was under some misapprehension with regard to this subject. He wished, therefore, to ask the noble Lord whether he was rightly informed that such a Report existed, and, if so, whether there would be any objection to lay it upon the table of the House?

VISCOUNT PALMERSTON said, he wished to state, in answer to the question of the hon. and learned Member for Southwark (Mr. John Locke) that as soon as his noble Friend at the head of the Foreign Department became aware of the circumstances to which his hon. Friend has referred he put himself in communication with a commissioner from Venezuela, who was then in England, but who was about to return to his own country. Lord Clarendon stated to him what he had heard, and urged him to bring the matter under the serious attention of his Government immediately upon his return. At the same time instructions were given to Her Majesty's Chargé d'Affaires at Venezuela to take whatever steps he might think necessary. Sufficient time had not yet elapsed to enable the Government to receive an answer to either of those communications, but he could assure his hon. and learned Friend that Lord Clarendon would adopt such measures as the case might appear to require. With respect to the question of the right hon. Baronet opposite, the House would remember that upon a former occasion he stated that the Report to which he understood the question of the right hon. Member for Bucks and the hon. and gallant Member for Norfolk to refer was, not a Report made to the Duke of Wellington by Sir Charles Napier, but one addressed by the latter to the Marquess of Dalhousie, of which a copy was sent in a private letter from Sir Charles Napier to the Duke of Wellington. At the same time he stated that that Report did not relate to the organization of the Bengal Army, but referred generally to the external defences of India, more especially as connected with the recent acquisitions in the Punjab. He told the House that there were passages in that Report which did relate to the condition and discipline of the Indian armies, and that he would lay those passages upon the table. That promise had been fulfilled this morning; but the right hon. Baronet now stated that the questions of the right hon. Member for Bucks and the hon. and gallant Member for Norfolk related to another and a subsequent Report, and in confirmation of that statement he had quoted one passage from the extracts which had been laid on the table, in which Sir Charles Napier said that his observations upon certain matters mentioned in his Report would be made in a subsequent letter. That letter the right hon. Baronet thought must have been addressed to the Duke of Wellington and not to the Marquess of Dalhousie, and must have been written some time in 1850. It was more probable, however, that the letter, if written, was addressed to the Marquess of Dalhousie and not to the Duke of Wellington, because the first document was a Report to the Governor General, and not to the Commander in Chief in England, with whom the Commander in Chief in India had no official connection. He had now to state to the House that when the questions of the right hon. Member for Bucks and the hon. and gallant Member for Norfolk were first put he made inquiries and was informed that the Report to which his answer related, and from which he had given extracts, was the only Report found at the Horse Guards to answer the description which had been given, and that even this was only found after some delay among private papers. After the statement of the right hon. Baronet, however, he would make more minute inquiries, and if there was such a paper as that to which allusion had been made, and if it contained nothing more than what the right hon. Baronet supposed, he was not aware that there would be any objection to its production; but of course he must read it before he could make any promise on the subject.

MR. WHITESIDE said, he rose to call the attention of the House to the petition of the Hindoo inhabitants of Bengal, Behar, and Orissa, for themselves and the other Hindoo inhabitants of the said provinces, in the Appendix to Report from Select Committee on Indian territories, 1853, p. 429. In connection with this petition he was desirous, however, of bringing under the notice of the House the following passage in a communication addressed by Major General Hearsey, to the Deputy Adjutant General of the Bengal Army, and dated, Barrackpore, January 28, 1857 :—

> "I beg leave to report for the information of Government that an ill-feeling is said to subsist in the minds of the Sepoys of the regiments at Barrackpore. A report has been spread by some designing persons, most likely Brahmins or agents of the religious Hindoo party in Calcutta (I believe it is called the Dhurma Sobha), that they (the Sepoys) are to be forced to embrace the Christian faith."

In the fourth paragraph of the same communication the writer said :—

> "Perhaps those Hindoos who are opposed to the marriage of widows in Calcutta are using underhand means to thwart Government in abolishing the restraints lately removed by law for the marriage of widows, and conceive if they can make a party of the ignorant classes in the ranks of the army believe their religion or religious prejudices are eventually to be abolished by force, and by force they are all to be made Christians, and thus, by shaking their faith in Government, lose the confidence of their officers by inducing Sepoys to commit offences (such as incendiarism) so difficult to put a stop to or to prove, they will gain their object."

He (Mr. Whiteside), however, had been informed by a gentleman who had resided fifteen years in Calcutta that these statements of Major General Hearsey were to the last degree improbable. The society referred to in the first extract, he had told him, contained some of the largest landed proprietors, the most distinguished literary persons, and the wealthiest native merchants in Calcutta—men who might be truly said to represent the public and the Natives of that vast territory, and it would be most unfortunate indeed if those powerful and influential persons had really turned against us, inasmuch as we might find it very difficult to hold the country against them. What Major General Hearsey doubtless referred to was a matter of some importance. It had been stated more than once on the part of the East India Directors that they had passed no law except one dealing with what they called the atrocious practice of depriving a man converted to Christianity of his inheritance, and the Chairman had assured the House that no interference had taken place with caste,—a point of great importance, because it affected the opinions and actions of 100,000,000 of people. The Marquess of Dalhousie had taken credit to himself for the passing of the law in question; but according to the statement of the gentleman to whom he had already referred, that law had caused greater alarm and apprehension over the whole territory belonging to the East India Company than any other which had been enacted since England obtained sway in that country. The words of the Act were :—

> "So much of any law or usage now in force within the territories subject to the East India Company as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the courts of the East India Company and in the courts established by Royal charter within the same territories."

What happened when the law was passed in 1850? All the chief landed proprietors, wealthy merchants, and eminent literary persons in Calcutta addressed a memorial against it to the East India Company. The Directors promised to take their representations into consideration, but they did not do so, and the memorial—which though emanating from Hindoos, was one of the most masterly papers he had ever read—was sent to Parliament. It had very likely been forgotten by the House, but was extremely important as expressing the opinions of wealthy and powerful Hindoos. The memorialists, or petitioners, went deeply into all the questions involved in the obnoxious law, which they strongly condemned as a breaking down of every barrier which religion, law, and custom had raised for the protection of Hindoo society, citing instances in which its operation would wound them in their tenderest and most cherished feelings. The petitioners stated that they had no objection to the Act so far as it applied to persons who had lost caste by a change of religion, but that there were many other ways in which caste might be lost—for instance, by neglect of the ceremonies in honour of the dead, and adultery on the part of a woman. In short, they regarded the Act in its entirety as subversive of Hindoo society, and they added that they did not feel called upon to defend their religion, which had been handed down to them from their ancestors, and which was the religion of 100,000,000 of people. That petition emanated from some of the first men in Calcutta—not from armed Sepoys who had deserted their colours, but from men of station, wealth, and intelligence. He thought the petition was very suggestive, and well worthy of the consideration of Parliament, and therefore, he should move at a later period that that Appendix be reprinted.

MR. VERNON SMITH remarked that he thought the hon. and learned Gentleman had taken a course which went beyond even the usual licence of discussion upon the question of adjournment, for, having given notice of his intention to move for the reprinting of a petition presented in 1853, he had proceeded at once to discuss that petition before the document had been made known to the House. Had he (Mr. Vernon Smith) been aware of the hon. and learned Gentleman's intention he should have been prepared to answer more fully his observations, but there was one matter which he was desirous of noticing at once. The hon. and learned Gentleman seemed to impute some indiscretion to General Hearsey, a distinguished officer of the Bengal army, but one of the very last men who would make any imputation upon the Hindoos that he did not believe to be correct. That officer was married to a Hindoo lady, and was without doubt one of the most popular officers in India; and his popularity was based upon his thorough acquaintance with the language and habits of the people. With respect to the Act to which the hon. and learned Gentleman referred, it was true that it was passed in 1850, but it was intended as the development of an Act of 1832, and it was so stated in the preamble of the Act of 1850. A petition was afterwards presented in 1853 to the Committee, and evidence was taken, but nothing had been done since then, as far as he (Mr. Vernon Smith) was aware, by the petitioners or the Society referred to, to counteract the effect of the Act, nor had they addressed the Court of Directors upon it. The Court of Directors in 1851 intimated their entire approval of the provisions of the Act. Upon the 9th of April, 1850, the Marquess of Dalhousie wrote as follows:—

> "The Government will, doubtless, continue as heretofore to administer to Hindoos the general body of Hindoo law; but I conceive that the Government will not do its duty if it leaves unchanged any portion of that law which inflicts personal injury on any one by reason of his religious belief. In now acting on this principle I can see no semblance of interference with the religion of the Hindoos, nor any unauthorised interference with rights secured to them."

That was the opinion of the Marquess of Dalhousie, and he (Mr. Vernon Smith) also deprecated any interference with the religious feelings of the Hindoos; but at the same time he would caution the House against fanaticism of another kind, which would leave the convert to Christianity exposed to loss of rights and privileges. They had been proceeding in one direction for some time, but he hoped there would not be a reaction in the opposite extreme, and that we should not permit Christian converts to be persecuted because of their conversion. He admitted that the policy of the Act of 1850 might be a doubtful matter, and that upon a future occasion it might be necessary to remodel it, and place the whole subject upon a better footing; but he hoped the House would not proceed upon an isolated act, but would treat it as a great question that ought not to be frittered away by partial dealing with particular portions.

MR. AYRTON observed, that he considered it to be important that the House should be aware of the impression which prevailed in India, of the document that had been referred to. When Sir C. Napier came from India he had a communication with the Duke of Wellington, who desired him to place his ideas respecting the Bengal Army in writing. Sir C. Napier did so, and the memorandum he furnished was forwarded to the Marquess of Dalhousie for his explanation. Those explanations were of such a character that it was not thought necessary to take any further steps in the matter. Such was the impression that prevailed abroad, and it would be desirable to know whether it was a correct impression or not.

SIR EDWARD COLEBROOKE said, it was his intention, in addressing the House the other evening, to have alluded to this subject, and to have quoted the opinions, not merely of those persons who felt themselves to be aggrieved by this law, but of other gentlemen of great respectability and impartiality, who felt that great dissatisfaction had arisen in India through the operation of the law referred to by the hon. and learned Gentleman (Mr. Whiteside) They had given Imperial pledges that they would maintain the Hindoo and Mahomedan laws of inheritance, and in other especial particulars. It was true that, on the other hand, it was hard that converts to Christianity should be deprived of their rights to property in consequence of their conversion. The feelings of the Hindoos, however, were strong and their prejudices rooted, and without wishing to give undue prominence to the matter, he could not but believe that the law in question had been one among other causes of the wide-spread feeling of discontent which prevailed throughout Hindostan, under the belief that the Government intended to interfere with the exercise of their religion. Then, again, about three years ago a despatch was laid before Parliament changing the fundamental principles upon which education was carried out in India. The former policy was to adopt the purely secular system of education, but the despatch in question introduced the whole system of Privy Council grants to all sects and religions and to every missionary establishment throughout the country. The other day a noble Lord in another place referred to the fact that Viscount Canning had given money in aid of missionary institutions in India. The reply to this was that he had distributed none of the public money for that purpose. But the Natives of India were unable to make any distinction between the public and private acts of the Governor General, and therefore he thought any distribution of money for missionary purposes by Viscount Canning was in the highest degree objectionable. A few nights ago his right hon. Friend (Mr. Vernon Smith) spoke in terms of censure of Colonel Wheeler for having endeavoured to spread Christianity in his regiment; but when the heads of the Government set the example, with what consistency could they find fault with their servants? When the Government of India set an example to their servants in this matter we need not be surprised to find that example imitated. He believed, however, that the right hon. Gentleman the President of the Board of Control had acted under the pressure of the House. He felt it his duty to state his opinions to the House on this matter, because he regarded it as one of very great importance. He entreated the Government to take the subject into their serious consideration, for he believed that this, in connection with other causes, had had no slight effect in producing a feeling among the population of India, the consequences of which had been developed so alarmingly in the Native army of Bengal.

Mr. MANGLES, after the fair and proper manner in which the hon. and learned Member (Mr. Whiteside) had brought forward this subject, felt bound to admit in the frankest manner that he (Mr. Mangles) was wrong in what he had stated the other day. He had spoken from memory, and had not seen the law to which the hon. and learned Gentleman referred for several years, and he was misled by the circumstance that in the Committee of 1853 one or two gentlemen, one of them a barrister from Calcutta, gave evidence favourable to the views of the society in this matter. The subject of conversion to Christianity and the retention of property by the converts was pointed at, but he did not remember that the question of loss of caste was at all raised. The gentleman to whom he had alluded contended, on the authority of one Sanders, that those who became converts to Christianity might expect to suffer persecution and the loss of their property, and that, therefore, the converts in India had no right to complain if, in becoming Christians and earning all the advantages attached to that profession, they suffered the disadvantages also, one of which was the loss of their worldly goods. He must apologise to the hon. and learned Gentleman, but he hoped he had not contradicted him with anything like rudeness. The law, he might observe, was as applicable to Mahomedans as to Christians. It was intended to save converts from the loss of their property, and he still thought that the law was a wise and a just one.

Sir CHARLES WOOD said, the hon. Baronet had made an attack on the Minute of Education of 1854, which was drawn up, and for which he (Sir C. Wood) was responsible, when he was President of the Board of Control, and he had totally misapprehended the facts when he stated that that Minute was drawn up under any pressure whatever. It was considered with great deliberation, and adopted after having been submitted to the whole Court of Directors. Persons best acquainted with India were consulted on the subject, and they all agreed in opinion that no danger could result from carrying out that Minute to its fullest extent. He would read one or two extracts from the document to show that it was not in any sense open to the charge of introducing a proselytising spirit in India. There was not the slightest feeling against the missionaries as missionaries; but what was very properly objected to was that there should be any attempt on the part of Government or persons in authority acting with Government to endeavour to proselytise in any way whatever. That was an opinion which he very strongly held; it was held by all the members of the Government, and he could truly say that they had ever shown the most scrupulous abstinence from everything that could be construed into interference with the religion of the people of

India, whether Mahomedans or Hindoos. The Minute with reference to the Government schools stated that "it was and is indispensable that the education coveyed in these schools should be exclusively secular." Then, with reference to grants in aid, which were given to the schools of all denominations, whether Christian, Jew, Mahomedan, or Hindoo, it was stated, "The system of grants in aid will be based on an entire abstinence from all interference with the religious instruction conveyed in the schools assisted." Requests for aid in certain cases were refused, as being opposed to the religious neutrality to which they had always adhered. It was provided that "schools conducted by all denominations of Christians, Hindoos, Mahomedans, Parsees, Budhists, Jews, or any other religious persuasion, may be affiliated to the Universities." Now, he did not know how it was possible to carry out more completely the principles of religious equality in the schools than was laid down in this Minute, there being, as he had shown, the most careful abstinence from all interference with the religion taught in those schools.

Motion *agreed to;* House at rising to adjourn till *Monday* next.

DIVORCE AND MATRIMONIAL CAUSES BILL.—SECOND READING.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [30th July], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words, "upon this day three months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. GLADSTONE: Sir, in justification of the course which was adopted last week, when a considerable portion of this House demanded further time for the consideration of the marriage question, I could not appeal to anything more conclusive than the course which the present debate had taken. Last week my noble Friend at the head of the Government, when he was told that the subject could not be properly considered by the House in the present period and circumstances of the Session, said, on the contrary, that there was no reason why the debate should not be conducted with the same earnestness, force, and effect as at any other time, adding that if necessary the duration of the Session might be extended for an unlimited period. Now, last night what did we witness? No unkindness, undoubtedly, on the part of the House, but such a degree of lassitude as was entirely unconquerable, and such as made it scarcely possible for any hon. Gentleman to state his opinions to the House. After the speech of my hon. and learned Friend the Attorney General, with the single exception of the hon. Member for Hertfordshire (Mr. Puller), eight hon. Gentlemen in succession—a circumstance unparalleled in my experience—spoke on the same side of this question, not wanting certainly—if I may presume to say so; and I will not speak of their ability—in earnestness in expressing their views upon the subject. Its magnitude was admitted—its novelty not denied, and yet on one side of the House it remained wholly undebated. This extraordinary course of proceeding was at length consummated into a climax, when the Secretary of State for the Home Department actually complained that a division did not take place last night, and spoke of premeditation as having been evinced to invole the debate in difficulties. [SIR G. GREY: I never saw clearer signs of predetermination]. My right hon. Friend, as I understand, adheres to the expression, and is not sorry that he used it. He says he never saw clearer signs of predetermination. But were the signs on the part of those who under circumstances so discouraging were discharging their conscientious obligations, or were they on the part of those who, with this great, this new subject before them, remained systematically silent in order that the House might arrive at a division? I do not want to make any charge, or to lay any blame upon any one. This is too serious and too sad a subject to be connected with the recriminations of party, or to be made the occasion of an attack upon any Government. It is not a subject on which to make concessions to party, and what I have said I have said not to throw censure upon any one, but to show the justice of the appeal of those who have urged that it was impossible to do justice to this subject in this Session and under the circumstances in which it is pressed upon our attention. It may be said that the debate was all on one side, because the speeches of those who were opposed to the Bill of the Government contained nothing which deserved an answer. That is language which may be applied to any debate, but it is enough to say that that is not the view taken by many hon. Members not the least entitled to attention in this House. We are not attended to when we say that the circumstances under which this Bill is pressed forward are unprecedented and unusual; nor when we urge that those who oppose the Bill do so in deference not only to their own sense of duty, but also to the strong feeling which is entertained upon the subject by the great mass of their fellow subjects, and that we are required to discuss one of the most difficult of all propositions at a period of the year when no such proposal has ever before been made to Parliament. We are not attended to when we say that there has not been time to lay before the House the ordinary information in the shape of facts and statistics with which it is usual to furnish it, when called upon to legislate on important matters, but I hope we shall be attended to when we urge that the House is proceeding in entire ignorance of the strong feeling upon this subject which exists among the people wherever it has been brought before them. It is vain to say that they ought to have known of this Bill before. The circulation of intelligence is not very rapid after all the accelerations of modern days, if we mean by that the bringing home of any subject to the minds of the people; but still a strong feeling has been excited, and I must take up the attention of the House for a few moments in showing how very recently the people out of doors have been made acquainted with the action of the Legislature on this Bill. I have received letters from different parts of the country, stating that it would have been easy to obtain very numerously signed petitions against this Bill, but that seeing the manner in which the Government were determined to press it forward it was deemed useless. One gentleman writes from Cornwall that if it were not for the shortness of the time he could get his petition signed by eight-tenths of the population of the parish. He says that the labouring classes are against the Bill to a man, and also a large proportion of the middle classes. Another writes from Lincolnshire, that the Bill, as it came down from the Lords, is thoroughly hateful in the eyes of the great mass of the middle classes and the poor, eminently so amongst all Church people, but very markedly so amongst religious Dissenters. From Suffolk I learn that all classes are against the Bill, one poor man making the remark, that instead of the marriage vow running "until death do us part," it should be, "until we two quarrel." The writer who forwards a petition, adds, that the signatures would be trebled if a little more time were allowed. Another writes from Wantage that it would be impossible to exaggerate the state of feeling in his district. In short, I am certain that neither the Government nor the Parliament has any conception of the danger that exists of tampering with this law, or of the number of honest men, fathers of families, who are hostile to the change proposed. I dare say that you will tell me that these people do not understand the nature of the provisions of this Bill; but can there possibly be a stronger reason for asking for time to consider them? I do not doubt that such is the case. I have seen signs in the petitions that even some among the best educated classes do not understand the provisions of this Bill. Surely, then, it is inconsistent with the general policy of Parliament, with prudence, and I may almost say with decency, that such a measure should be forced on. And what is the reason for forcing it on? It is not, surely, the importance of settling a question by the delay of which one or two or three individuals may be affected? My noble Friend the Member for King's Lynn (Lord Stanley), who seemed to know a great deal more about our motives than we know ourselves, told us most ingenuously that his reason for not wishing to delay the Bill was, we might be able to show that we had done something, that we should not be compelled to present a blank roll of legislation to the country. That is my noble Friend's reason for pressing forward the Bill, under the present unfavourable circumstances. But we have no right, I maintain, to make a character and reputation for the House by passing a most important measure without the full consideration and importance it demands, simply because it is pressed upon us by the Government. We are not to hurry on an important subject lest it should be said out of doors that we are idle, and lest in the estimation of the public we should lose caste. Are we likely to recover or preserve our estimation in the country by such an attempt to keep up appearances? No! Believe me, our estimation in the country depends not on the quantity and rapidity, but on the quality and wisdom and stability of our legislation. We are told that we cannot approach this question, more particularly considering the position in which we are placed by the previous practice of Parliament, without considering the alternatives. As has been stated by my hon. and learned Friend the Attorney General, we have been in the habit of passing private divorce Acts, and those private Acts for a long period have passed without objection. I do not at all dissemble that this constitutes a real and serious difficulty in the matter; but this I do say, that of the three alternatives before us,—the passing of this Bill, continuing to pass private Acts as before until we see our way better before us, or the stopping of these private Acts altogether, the alternative of passing this Bill is immeasurably the most dangerous. I frankly own I have never seen greater signs—and I mean to adduce some of those signs—of what may be called a crude state of the Parliamentary mind upon this subject. I plead guilty to it myself. It is only during the present year that I have found leisure to inquire into this subject, and I do not feel prepared to pass a deliberate opinion upon it until we have had more time for consideration. We are told in the public journals that ten minutes', some say half an hour's, consideration will suffice to settle the question. Such suggestions as these may prove the rashness with which some men would undertake to decide the most sacred and solemn questions, but they do not tend to diminish the real difficulties of the case, nor do they avail to guard us from the future embarrassment into which such rashness would most assuredly lead us. It has been said, why have you not objected to the private Bills?—and the inference sought to be drawn from our not objecting to those Bills is, that we ought not to oppose the Bill now before us. My answer to that argument is, that when Parliament has entered into a course of passing private Bills in the nature of *privilegia* for individuals, it ceases to be competent, morally competent at least, to take an effectual objection to any one of those private Bills. We had a strong instance of this the other day in the case of Shepherd's Disabilities Bill, for which there had been but four or five precedents; but it was argued that by passing previous Bills of the sort, Parliament had constituted to this individual a right of expecting that the same Bill should be passed in his instance; and it was said that, however much we objected, we must be content to pass this Bill and afterwards to raise the general question. There is nothing more certain in the history of this question—and this is one of the many inaccuracies in what I must call the very inaccurate speech of the Attorney General, to which I shall have to draw the attention of the House—than that this fixed system has been so little fixed that, whenever the practice of passing divorce Bills has at any period shown a tendency to grow frequent, there has been a strong Parliamentary reaction with a view to check the pressure. Twice during the last century and once towards the close of the last century attempts were made to limit the practice. I grant that they were defeated, and that the practice attained a certain extension; but, surely, the very fact that private persons never could come before Parliament and claim these divorces *ex debito justitiæ* ought to be a sufficient proof of the absolute necessity for a full discussion of the case before entering on a new course of proceeding. When, instead of repeating to-day what was done yesterday, we enter upon a new system and take a new starting point, then it is that, by every consideration of justice and propriety, you are not only entitled but bound to examine into the whole matter, and to entreat the House to consider the people upon which it is about to act. Now, it may be said that the two statements, that there is great danger in precipitancy, and that there is a strong feeling in the country against this measure and no strong feeling in its favour, are antagonistic, because it may be urged that if we legislate hastily, still if the public are not blindly in favour of the measure, if they are strongly opposed to it, it will be easy to retrace our steps. In my opinion, to rely upon such a representation would be to trust to a very gross fallacy. The feeling of the country may be, as I believe from the very imperfect evidence which we have been allowed to collect it is, against this measure; but if the Bill be passed, although an overwhelming majority of Christian husbands and wives may be against it, you will have constituted an interest in behalf of certain parties who will become, as it were, an entire sect in favour of such laws, both for their maintenance and for their extension, and the prescriptive right which they will have acquired in consequence of your legislation, will make it impossible for you to correct the results of any hasty and precipitate decision. Now, Sir, what is the effect of the Bill before us?—because it is sometimes said, and in a certain sense it is said with truth, that it is a Bill of moderate scope and extent, the operation of which is to deal with marriage as a whole and in all its characters. But what are the characters of marriage? They are admirably described in a passage by Lord Stowell, an authority whom we need never apologize for quoting in this House, because there is no passage in his works which I have seen which will not repay any attention that may be bestowed upon it. Lord Stowell admirably discriminates the threefold character of marriage. He says:—

> "As the law of nature, it was antecedent to the formation of society, and an important but a mere personal contract between the two parties. When society was formed it became not only a personal but a civil contract, connected with civil privileges and obligations. When religious principles were received in a State the marriage became also a religious contract, accompanied with plighted vows, and calling upon Heaven to witness them. The idea that the marriage contract was indissoluble was taken from the construction put upon certain texts of Scripture."—*Hansard, Parl. History*, xxxv. 306.

Thus Lord Stowell clearly distinguishes between marriage as a personal engagement between individuals antecedent to and independent of political society, the civil sanction which the laws and institutions of society give to it, and the religious character which it acquires in virtue of the institutions of the Christian religion. A good deal of the difficulty with which we have to contend arises from the circumstance that this House, not, so far as I can judge, sufficiently qualified for the purpose, undertakes to deal with marriage in all these three characters. By this Bill it undertakes not only to deal with the civil consequences and obligations of marriage, which I believe we should find matter of comparatively easy solution, but also to determine the effect of and to cancel solemn vows between two individuals upon which a union for life has been stipulated to depend; and lastly, not being to my knowledge invested with any theological authority, it sets itself up as a square and measure of the consciences of men. It undertakes to determine the religious obligations of marriage and to say when the rite solemnized in the face of the congregation and of God shall cease to have effect, when it shall be repealed, and when that, which the Apostle declared to be a great mystery of Christianity, shall be dealt with by the House of Commons; and it also asserts that it rests with that House to say what view is to be taken of that mystery by the intelligence and the consciences of men. A great deal of our difficulty arises from the undue scope of the measure in that respect, and great would be not only the relief to my own mind, but the mitigation of the practical evils connected with this measure, if we were content to legislate simply with regard to the civil consequences and the civil responsibilities of marriage. Because, if a man is to fancy himself in the unhappy position of those who are included in this Bill, is there one of us who really thinks that the vows which we have taken in the face of our God are affected in their force by the legislation of this House. I must confess that there is no legend, there is no fiction, there is no speculation, however wild, that I should not deem it rational to admit into my mind rather than allow what I conceive to be one of the most degrading doctrines that can be propounded to civilized men—namely, that the Legislature has power to absolve a man from spiritual vows taken before God. Having thus generally described the great defect of the Bill, I will touch upon some of the assertions of my hon. and learned Friend the Attorney General. He says that although technically there is no code of law upon this subject of marriage, yet, in point of fact, the proceedings of the Legislature with regard to it are really judicial, and are founded upon rules which practically constitute a code, which is as well ascertained as that of any other branch of the law, and which has been in operation in that form for 200 years. That is, to say the least of it, a very loose and inaccurate statement. This system has not been in operation, as a system, for 200 years. It has been in a state of growth from its earliest seeds for something like that time, but it is not 100 years since it grew to its present state. Nay, is it a system yet? My hon. and learned Friend says that it is a code as well ascertained as are the rules of any other branch of the law. Is that true? What says the Standing Order of the House of Lords, to which, if it be a code, we must look to discover its provisions? The Standing Order of the Lords says:—

> "Ordered by the Lords Spiritual and Temporal in Parliament assembled that no Bill grounded on a petition to this House to dissolve a marriage for the cause of Adultery, and to enable the pe-

titioner to marry again, shall be received by this House unless a provision be inserted in such Bill that it shall not be lawful for the person, whose marriage with the petitioner shall be dissolved, to intermarry with any offending party on account of whose adultery with such person it shall be therein enacted that such marriage shall be so dissolved."

Exception is made in cases in which the other offending party is dead, and it is ordered,—

"That such Order be declared a Standing Order, and entered on the roll of the Standing Orders of this House, printed and published, so that all persons may the better take notice of the same."

That is the Standing Order of the House of Lords. Every Divorce Bill is introduced into that House with a clause of this description, and from every such Bill that clause has, for a number of years, been struck out. Thus the Standing Order and the practice of the House of Lords are at variance upon this vital point, as many persons regard it, of the intermarriage or remarriage of the guilty parties, and yet my hon. and learned Friend tells us that the code of procedure in these matters is as well established as that of any other branch of the law. My hon. and learned Friend says that divorce is a principle of the Reformation. I will come to that by and by; but he also said, I think, that the indissolubility of marriage depended upon its being a sacrament. [The ATTORNEY GENERAL: No!] My hon. and learned Friend was not so distinct upon that subject as he was in most parts of his speech. I am glad that he contradicts me. He at least abandons—[The ATTORNEY GENERAL: No!] I was not going to say that my hon. and learned Friend abandons anything which he said, but he disclaims the doctrine that the indissolubility of marriage depends upon its being a sacrament, and therefore abandons the doctrine upon which most of the promoters of the Bill have taken their principal stand.

THE ATTORNEY GENERAL: The indissolubility of marriage was certainly the rule long before the Council of Trent, but that Council enunciated the doctrine for the first time in 1561. [MR. BOWYER: No!] So we Protestants say.

MR. GLADSTONE: The point upon which my hon. and learned Friend is at issue with the hon. Member for Dundalk does not touch that with which I am dealing. If you look to the Report of the Commission upon which this Bill is mainly founded you will find that there the question is made to hang essentially upon the sacramental character of marriage. It is there contended that in Roman Catholic times marriage was indissoluble because it was a sacrament, and that ceasing to be held as a sacrament at the Reformation, it therefore ceased to be considered indissoluble. That doctrine has been repeated by great authorities elsewhere. It is a doctrine entirely void of foundation. The Council of Trent has declared that, so far as the opinion of the Church of Rome is concerned, marriage is indissoluble independently of its sacramental character; and, upon the other hand, the whole Eastern Church, by which marriage is held to be a sacrament, hold it to be dissoluble. So much for the connection between the indissolubility of marriage and its sacramental character. I think my hon. and learned Friend cannot say that I paid him a bad compliment in congratulating him upon having embarked no part of his fortunes in so crazy a craft as a theory of that description. My hon. and learned Friend says that this Bill makes no change in the law, but that it reduces to legislative form that which has had a legislative effect for a long series of years. I do not want to enter upon verbal controversies when we have so much substantial matter to debate, and therefore I will not trouble the House by quoting the authority not only of persons who have questioned this Bill, but that of the Commission which reported in 1853, and which declared that the dissolution of marriage is unknown to the law of England. But let me grant for argument sake to my hon. and learned Friend that the principles upon which Divorce Bills have hitherto been based are likewise the principles of the present measure, does it follow that he is justified in asserting that he is introducing no new law? To my mind, Sir, it is impossible there can be a grosser fallacy. If I grant to him that the Bill has Parliamentary precedent, yet I say it introduces entirely a new law for the purposes to which it is addressed. What does it contemplate? Does it merely propose a continuance of the precedents upon which my hon. and learned Friend rests his case? Is not this the very groundwork of the Bill—that heretofore we have limited the power of obtaining divorces to the wealthiest classes in the country? And that is true. I believe there is on record the case of a Mr. Chippendale, or some such name, who was allowed to sue *in formâ pauperis;* but, speaking generally, your Law (if you like to call it a law) was strictly limited to the highest classes of this country—such as could afford to pay a large sum to set it in operation. But what is my hon. and learned Friend going to do? He is going to give you a law under which divorce is to be made accessible to all classes of the community. Is not that a new law? You have got upon your Statute-book an Act which provides that the members of the Royal Family shall not be permitted to marry except after a certain time and without the consent of the Sovereign. But that is not a principle of the British law for the whole community; it is a principle of one law for the Royal Family and for them alone; and so also this code about which my hon. and learned Friend speaks, and under which he says a principle of law has been established, is a code as entirely foreign to the British nation as the Act regulating the marriages of the Royal Family. Your middle classes, your lower classes, care no more for it than if, instead of being a code for the use of the nobility and high gentry of England, it had been established for the use of the inhabitants of the planet Jupiter. Multitudes of them do not even know of its existence—nay, there are many clergymen even who are ignorant of its existence. The fact of the occurrence every year of one or two of these Divorce Bills limited to particular classes of Society has had no more effect upon the mass of the British people than if no Divorce Bill had ever passed. I am most anxious, Sir, to make this assertion broadly, because it is vital to the whole case. The hon. and learned Gentleman says he is bringing forward no new law. Well, I won't argue with him whether it is a new law as regards that infinitesimal part of England to which it applies, but I say the present Bill pledges him to carry divorce to the door of all men of all classes, and his law, therefore, is as completely novel to all intents and purposes as if the first Bill of divorce, passed in the case of Lord Roos, in the reign of Charles II., had never been introduced into Parliament, and had never been followed up by others to pander to the passions of society. My hon. and learned Friend has gone at some length into a Scripture argument. He felt it, and justly so, to be a necessity of his position, because, as he is dealing with the highest spiritual matters, and is calling upon us to say under what law the clergy are to act in future, I am not surprised that he did not follow the example of the Commission of 1853, and leave the question of Scripture in the background, dealing simply with the abstract question of divorce. Sir, I shall enter into that theological argument under protest. It is impossible to conduct it in this House as it should be conducted. We are not competent to do so. I am obliged to say, with great respect, that my hon. and learned Friend is not competent; and *a fortiori*, therefore, I myself am much less so. I think it very hard that we should be called upon to pass Bills in such a form that we are incompetent to deal with the reasons upon which they are founded. The patience of this House could not possibly allow time or opportunity for the discussion of a Scripture argument. That is a matter for the closet of divines or a synod of theologians; it is not a discussion which can be entered into by a popular assembly. Under compulsion, however, I am obliged to touch that argument—rudely, inadequately, and unsatisfactorily to myself, as I must needs touch it. My hon. and learned Friend pointed out with great exultation, and I must ask his attention here. [The ATTORNEY GENERAL (who was conversing with his neighbour on the Treasury bench)—I am listening.] Oh, I do not doubt my hon. and learned Friend's ability to do two things at once, or, indeed, any number of things at once. My hon. and learned Friend, then, pointed with great exultation to what he seemed to consider fundamental discrepancies among certain authorities who are opposed to this Bill. He laboured to show, with respect to the single Greek word πορνεία imported into this debate, that Mr. Keble had given it one construction, Mr. Baddeley a second, and a writer in the *Quarterly Review* a third construction, considering it as "idolatry or apostasy." [The ATTORNEY GENERAL: I quoted a fourth from old authorities.] Yes, but I am dealing with new authorities, and with the newest of all—namely, my hon. and learned Friend in his speech of yesterday. He quoted those three writers, and said they gave three different constructions. Now, in the first place, as regards the *Quarterly Review*, which I hold in my hand, my hon. and learned Friend is totally inaccurate. The reviewer does not give the meaning of "apostasy or idolatry" to the term πορνεία; he discusses the various meanings assigned by other persons without giving his judgment in favour either of one or the other. My hon. and learned Friend told us yesterday that unfortunately an Attorney General could only devote now and then a stray half hour, stolen from his other laborious duties, to the study of this question. Undoubtedly, that is a great misfortune to my hon. and learned Friend, and a still greater one to the House, because the natural consequence is that even when he refers to such a work as this my hon. and learned Friend is unable to quote it accurately. If he will look at the *Review* he will find a passage where certainly the interpretation which he brought forward is treated of, but if he had read any other parts of the article he would have found that other interpretations are also discussed, and that, as I have said, no decision is given between one or the other. What I want to point out, however, is this: My hon. and learned Friend quoted these three constructions as if they had been mutually destructive of one another, whereas the fact is that all agree in the one essential point, namely, whether the words of exception in St. Matthew refer to a peculiar law of the Jews which was transitory in its character, and which, therefore, does not apply to Christians. Now, I challenge my hon. and learned Friend to contradict me when I say that accepting all those constructions whether of "idolatry and apostasy," "adultery," or "marriage with a foreign woman," in each of these respects the Jews had peculiar laws, and whichever interpretation of the term πορνεία you adopt it is susceptible of reference to the peculiar law of the Jews, and is, therefore, equally capable of proving that the words of St. Matthew concerned the Jews only and had no bearing upon the case of Christians. My hon. and learned Friend spoke of discrepancies among those who hold that the best interpretation of Scripture is that which makes marriage indissoluble, and every one must admit the extreme difficulty of considering those terms which it has now become a matter of very nice criticism to elucidate. But what is his case? Here is a Bill which rests on the ground of Scripture. Two Gentlemen have spoken in favour of it, the hon. and learned Attorney General and the hon. Member for Hertfordshire (Mr. Puller). How do their arguments agree? My hon. Friend bases his argument on the words in the fifth chapter of St. Matthew. The Attorney General throws that verse overboard. My hon. and learned Friend used words which are so remarkable—and they are as well worth listening to as those of Lord Stowell—that I must quote them to the House—

> "The reasonable deduction was that our Saviour, in addressing those who were conversant with and were bound by the Jewish law, thought it requisite in one place to say that he excepted the case which was provided for by the Jewish law, but thought it unnecessary in another place to introduce the exceptional case, because adultery in the Jewish law was not a case of divorce, but was subject to criminal punishment. Our Saviour was condemning those things which were divorces among the Jews, and adultery was not a case for divorce, according to the Jewish law, but for criminal punishment."

My hon. Friend (Mr. Puller), agreeing with the vast majority of those who support this Bill, says that that verse does constitute a real exception—that the adultery mentioned in that verse did constitute a ground of divorce applicable to us as a precedent. The Attorney General, on the other hand—acting, I think, quite rightly and wisely, but in contradiction to my hon. Friend—throws overboard that verse, and shows you that it could have no bearing upon the question, because the punishment of adultery, according to the law of the Jews, was not by divorce, but by the severer method of capital punishment. So much for the harmony in the Scriptural interpretations of the only two Gentlemen who in this House have as yet undertaken to show us Scriptural warrant—or, indeed, any warrant at all—for the present Bill. Now, Sir, it is not to be dissembled that a very great diversity of opinion prevails with respect to the true construction to be put on Scripture in this matter. There are, in the first place, those who think that the prohibition of divorce—that is, divorce carrying with it the power of remarriage—is absolute. There are those who think that there is in Scripture permission to marry after divorce in case of adultery alone, but that the permission is limited to the innocent man, and that there is not given to the woman under any circumstances liberty to marry. That I believe to be the most ancient opinion of the Christian Church after the old law, as I shall call it, of indissolubility. There are others who go one step further. They give liberty of divorce and remarriage both to the innocent man and to the innocent woman. There are others who give liberty of divorce after adultery to both parties if they are innocent, and to the man although he is guilty. There are others, and that is the description of the Scotch law at the present moment, who give it to both whether innocent or guilty, provided there is no intermarriage between the guilty parties. There is another class that permits the intermarriage of the guilty parties, and there is another which considers that divorce may be permitted, not only for adultery, but for other causes. Now, the great peculiarity of this Bill is this: I have given seven different constructions of Scripture on the point, all of them having some champions and advocates. I do not say they are supported by sound argument; but the peculiarity of the present Bill is that it does not agree with any of these different interpretations of the Scripture on this subject. There is, I believe, a feeling amongst certain religious people that our marriage law was drawn too tight; that by relaxing it in the manner here proposed they will make it square with Scripture; and that if that point could be established it is felt that it would be a conclusive argument for the Bill. But no one could show that it squares with Scripture by any construction that can be put upon it. What did the Bill do? It relieves—I must so speak of it, I suppose, though the relief is more than doubtful—it gives relief to the man in case of the woman's adultery, and it gives relief, not in case of the man's adultery, but of the man's adultery under very rare and peculiar circumstances. The Attorney General has invited us to force his construction upon the consciences of 17,000 clergymen. Let us see how my hon. and learned Friend's construction agrees with his Bill. My hon. and learned Friend throws over the verse in St. Matthew, but finds another for his purpose—that in which our Lord said, "They twain shall be one flesh, whereupon they are no more twain but one flesh." And my hon. and learned Friend said that by the fact of adultery the bond is broken. Now, is that the sense of the Scripture? No, it is an arbitrary sense put on the words by my hon. and learned Friend—a construction put upon them perhaps by Archbishop Cranmer, but which is not supported by any weight of authority, and which it is impossible to defend against those who would press upon his hon. and learned Friend for further changes in the law of marriage if this Bill passed. It is a most arbitrary rule, founded on the notion that the bond of marriage is so affected by adultery that it exists no longer. We have many causes far more fatal to the great obligations of marriage, as disease, idiocy, crime involving imprisonment for life, and which, if the bond be dissoluble, might be urged as a reason for divorce; but that is not what I wish to dwell upon at present. My hon. and learned Friend said by the fact of the adultery the marriage bond is destroyed, and then he asked the House to pass a Bill under which nineteen out of every twenty adulterers in the land would be covered with perfect immunity. I repeat, the enormous majority of adulteries are adulteries of men; and having shown that adultery destroyed the marriage bond, my hon. and learned Friend immediately demanded a licence to destroy nineteen-twentieths of the propositions he laid down. My hon. and learned Friend commenced at once child murder upon his own Bill—for he justified it from Scripture that marriage could not exist after adultery, and then he proceeds to pass a law to compel cohabitation, when according to his own showing, in nineteen out of twenty cases the parties are no longer married. Such is the mode in which Scripture is handled by Attorney Generals, and in which they invite the House to repose in them confidence so implicit that you are to force their construction on the consciences of the clergy, who, if they say it is contrary to their vows, are to be humanely told to go and obey. I have, however, yet to learn if marriage is destroyed *ipso facto* by the adultery of the husband; but granting it to be so, how they could say to the wife, "you have ceased to be married to your adulterous husband, but we nevertheless compel you to live with him." There is this difference between my mode of construing Scripture and the Attorney General's—that I do not ask the House to stand upon any argument, ingenious or not ingenious, I may be able to construct from any text. The lights of history, the records of antiquity, the lives of those who followed our blessed Lord have immense weight, in my view, in determining the true sense of scriptural authority. With respect to the great question of the indissolubility of marriage, let me observe that we had too much dogmatism, but the length to which I should push the argument is this—That the Gospel was intended to work out a certain great and provident result; and the mode of attaining this result, the most precious and blessed for mankind at large, was, in the wisdom of God, not by means of commands and forms in a rigid shape, but rather by the infusion of a new spirit into the precepts of the law, a spirit that pervaded every artery and vein of society, raised its tone from the degradation of heathenism, abolished the cruel sacrifice of human life, abolished the exposure of children, abolished polygamy, abolished slavery. I was rather struck last night by the speech of my hon. and learned Friend the Member for Dundalk (Mr. Bowyer). The Attorney General in his speech ventured to predict that the hon. and learned Member was about to deluge us with extracts from the Council of Trent. I suppose, however, that my hon. and learned Friend was so awed by this warning that, from beginning to end of his speech, he did not make a single reference to the Council of Trent. At the same time I must own that my hon. and learned Friend has given an interpretation of the text of Scripture bearing upon this subject which it will be found extremely difficult to dispute. With regard, however, to the main point in the case, we had with us the authority of his hon. and learned Friend the Attorney General—and he was a host in himself. Those who approved the lax interpretations of the verse of St. Matthew the Attorney General throws overboard. I will, however, venture to point out this: that if we take the text of St. Matthew as giving a licence of marriage after adultery, we place St. Matthew in conflict on the point with the other Evangelists and St. Paul: and here I may remark that the supporters of the Bill appear to consider that the Bible all through had been, as it were, a volume bound up in calf—yet that was not so. The Bible had been produced piecemeal. The Gospel of St. Matthew was written for the Jews and probably in Hebrew; the Gospels of St. Mark and St. Luke were written for foreigners and Gentiles. You have no right to say that the Gospel of St. Matthew was known to the Gentiles, for whom the other gospels were written, for many generations. And yet, by the construction of the hon. Member for Hertfordshire (Mr. Puller) this essential and vital point in the Christian law of marriage—namely, that it migat be dissolved by adultery—a most important provision in the application of Christianity to the diseased state of society in Rome, where the relations between the sexes were most polluted at that time—was kept a perfect secret from the Gentiles, and never was proclaimed! But, on the other hand, take the Attorney General's more reasonable interpretation, and suppose that our Saviour spoke of the Jewish law relating to adultery, which required the guilty parties to be put to death, and then you at once have St. Matthew in complete harmony with the rest of the Scripture. St. Matthew wrote for the Jews, to whom this exception had a meaning and St. Mark and St. Luke addressed the Gentiles, for whom an exception, referring to the Mosaic law, had no manner of application. The hon. Member for Hertfordshire, in his most ingenious, able, and candid speech, told us there were two Mosaic laws for adultery; that the one required the parties to be caught in the fact; the other spoke generally; yet both appeared to denounce the punishment of death. But that in construeing these laws the one which was stricter and narrower in its terms would naturally be chosen, and therefore the hon. Member inferred that the punishment of death was not inflicted by the Jewish code, except in cases where the adulterers were detected *in flagrante delicto.* My answer to that is plain. I believe that the hon. Gentleman is the first man who made this discovery. For 1,800 years the Gospel has been in the world, and I never heard of any one, although I have made some inquires on the subject, to whom that construction has ever occurred before. After all, therefore, this is not likely to be the true interpretation, or an interpretation on which it would be safe for us to build the great law of marriage. But I think I can point to a solution of the hon. Gentleman's doubts on this head. He questions whether the punishment of death was inflicted except in the case of *flagrans delictum.* Now, if he looks to the same chapter of Deuteronomy, which touches the cases of adultery properly so called, he will find that so rigid is the law in regard to the infliction of the sentence of death that it is provided that this sentence should be visited not upon the incontinence of a married person only, but even upon the incontinence of a person betrothed to be married. And does the hon. Member think that a person who was merely betrothed would be liable to a heavier punishment than one who was actually married? I do not believe that the hon. Gentleman's acute mind will for a moment embrace such a proposition. Without presuming to trouble the House further on that subject, I venture to say that in my opinion historical testimony, and particularly the primitive and early testimony of the Christian Church, is vital to this matter. I humbly propound this construction of the verse from St. Matthew, commonly quoted as an authority for divorce and remarriage in cases of adultery:—As our Lord was speaking to Jews, as the Jewish law,—of which alone He took cognizance, and not of the practices of the Jewish people—as that law provided the punishment of death for adultery, it is quite plain that the whole case before us is about remarriage during the lifetime of the divorced parties; and the Mosaic code inflicting death upon the person guilty of adultery, it is impossible to bring in that passage for the solution of a problem to which it obviously has no reference. At the same time I do not think, without historical testimony properly so called, that we ought to give in to any mere construction put upon that text. In respect to history, then, I make this proposition boldly, in the face of the learned Attorney General and of Her Majesty's Government, that for the first 300 years after Christ you have not a shred or a vestige of divorce with remarriage for any cause whatever. The remains of that time are not so very bulky; yet, although I may not have been able to examined them so perfectly as I would wish, I make this assertion with confidence. If that assertion is good, your position is very weak, when you tell me that out of the fifth, or even out of the fourth century, you can get some authority for these divorces. I am not now speaking of the power of ingenious criticism, but of historical testimony to the meaning and practice of Christianity; and as far as that testimony is concerned it is upon the writers of the three first ages of the Church, above all others, that you are entitled to rely with confidence. I do not like to weary the House with citing the names of them. Among them are some very curious cases. There is a reference of Hermas to the subject, and others well worth attention, if we were now at liberty to enter into these details. But the House is well aware that there are circumstances patent on the face of history which tend to show us pretty clearly what the meaning of the very earliest Christian Church was. The tendency of the very earliest Christian Church was not actually to forbid—I do not say they ever absolutely came up to that point—but towards the prohibition of second marriages altogether, and in any case even after the death of one of the parties. And if these marriages—at all other periods regarded as perfectly innocent and honourable—were, I will not say prohibited, but looked upon with suspicion at this particular period, we have the strongest reason to infer that this was the time of the very greatest strictness ever known, and in which you are not likely to find the permission of second marriages during the life of both the parties. I will not quote particular passages from particular authors, but this I will quote, because it is so precisely to the purpose and so irrefragable that I do not see how it can be disputed. I refer you to the authority of the laws of the Church. You have now in existence a code—namely, the Apostolical Canons, of which it is not in your power to fix the date with the same exactness as though it were an Act of Parliament, but you can fix its date with absolute exactitude up to this point, that you know by the references made to this code that it existed and was in full force prior to a certain epoch. I am safe, then, in asserting that the Apostolical Canons belong to the third century of Christianity. They are anterior to those Councils of the Church which were held in the fourth century. These canons form, not a local law, but the general law of the Church at that time, as far as it was known when they were promulgated, and afterwards when they were adopted by a Council. Well, the canon says in a few words, "If a layman divorce his wife and marry another, or marry a wife divorced by another, let him be separated from the Church." If that position of mine be contested I shall be prepared to return to the charge. If it be not, I take it with the greatest confidence as laid down for the present before this House, subject to challenge, that we find no trace of the practice of divorce for remarriage in Christendom for the first three centuries of our era, with this single exception, that in the writings of Origen you find a statement, not of what existed either in authority or in action, but of an individual opinion on his part. This opinion expressed by Origen is, I think, the first sign we have of a tendency to greater laxity of ideas on this subject. The ground on which I believe he goes is, that the innocent husband whose wife has been divorced for adultery might be permitted to marry again during the lifetime of the divorced woman. After the lapse of the first three centuries you begin to find a change. That change appears at the outset in a very limited form, because, after the reference by Origen to which I have just alluded, in the writings of Lactantius you first find a distinct opinion that the innocent husband of a divorced wife ought to be allowed to remarry. From that time forward down through the fourth and fifth centuries you discover a tendency setting in towards latitude. And why was that, Sir? Because the Church, having now come into contact with the great mass of the people, was unable perfectly and entirely to impregnate them with the spirit of Christianity, but, on the contrary, bore on her shining garment, so to speak, some portion of the impurity necessarily contracted from an extensive admixture with a corrupt state of society. Could anything be more natural than that during those ages in which the Christians formed an isolated and self-governed community marriage was held to be indissoluble; but that when they found their way into high places, and had to do with Prefects, with Emperors, and almost with Attorney Generals, arguments drawn from human law, from the common practice of the world, from heathen usage and tradition, should, to a certain extent, leave their marks upon the rules of Christianity—happily, indeed, not so as to affect its life, but undoubtedly so as in some degree to lower its tone? This subject is extremely curious and interesting. Take the division of the Church into the East and the West. In which was the Church more powerful? In the West. What do we find accordingly? That the Eastern Church gives the greater liberty of divorce, and the Western Church less. The Eastern Church has never extirpated divorce down to the present century. In the West, on the contrary, the law of the Church, after some struggles, remained unbroken, and it was triumphantly established that a Christian marriage, once validly contracted, ought to be indissoluble. We, then, after a long period, come to the Reformation; and here we have to encounter a natural and legitimate attempt to array on the side of innovation the Protestant feelings of this country. My hon. and learned Friend led the way in this attempt. He gave us to understand that this doctrine of the indissolubility of marriage was a Popish principle, that with the Reformation came in new principles, and that since the Reformation the necessity of a change herein has been universally recognized. And while I am mentioning my hon. and learned Friend it would be ungrateful in me not to take notice of the undeservedly kind language in which he thanked Heaven that I had not lived and died in the middle ages. My hon. and learned Friend complimented me upon the subtlety of my understanding, and it is a compliment of which I feel the more the force since it comes from a gentleman who possesses such a plain, straightforward, John-Bull-like character of mind.

> "Rusticus, abnormis, sapiens, crassâque
> Minervâ."

Therefore, and by the force of contrast, I feel the compliment to be ten times more valuable. But I must say, if I am guilty of that subtlety of mind of which he accuses me, I think that there is no one cause in the history of my life to which it can be so properly attributed as to my having been for two or three pleasant years the colleague and co-operator with my hon. and learned Friend. And if there were a class of those *subtilissimi doctores* which was open to competition, and if I were a candidate for admission and heard that my hon. and learned Friend was so likewise, I assure him that I would not stand against him for a moment on any account. However, my hon. and learned Friend spoke of the principles of the Reformation, and he read a very long passage which the House, no doubt, understood to have been quoted from the *Reformatio Legum.* But that was not the case, as my hon. and learned Friend knows. The case was not quoted from the *Reformatio Legum* at all. The *Reformatio Legum*, I must say, opens the floodgates, and lets in divorce by wholesale. My hon. and learned Friend should abstain from quoting *Reformatio Legum.* It is easy to say that divorce is a Protestant principle because it is established in the *Reformatio Legum,* but when the House hears what was established in the *Reformatio Legum* it will be more cautious than my hon. and learned Friend in admitting that divorce is a Protestant principle; because the *Reformatio Legum* not only admits divorce for adultery, but admits it for desertion, for violence, and for long-continued strife. There are not less than five or six heads for which divorce *a vinculo* is admitted by the *Reformatio Legum.* In that sense no doubt the *Reformatio Legum* is worse than my hon. and learned Friend, because it contains more of the instalments of which his Bill only gives us the first fruits. But in some respects it is much better, because it does not violate the cardinal Christian principle of the equality of the sexes and the identity of rights between them, and because it manifests a *bonâ fide* intention to treat adultery as a criminal offence. It does not propose to inflict the capital punishment upon the adulterer, but it does recommend a punishment which, although not capital, is of the next degree of severity. My hon. and learned Friend says he founds his Bill upon the principles of the Reformation, and he has got a case in which Archbishop Cranmer took part. I have a great reverence for Archbishop Cranmer. He had his weaknesses, and the memory of his six recantations cannot be effaced. But his faults were nobly redeemed, and on the whole he must be deemed to be not only a good man, but a wise man. But I must say that if my hon. and learned Friend tells us that the personal opinion of Archbishop Cranmer is to govern our consciences contrary to the general law of Christendom and to the opinion of the Reformed Church of England itself for 300 years, such a claim is so extravagant that he ought not to attempt to force it upon us. Now, my hon. and learned Friend in his speech of last night, to which we all listened with the greatest interest, surpassed himself in liberality, for he gave us a ninth beatitude. He said, "Blessed is the man who trusts the received version." Now, surely that doctrine is much more in keeping with the middle ages—with those *subtilissimi doctores*—than with the opinion of an Attorney General of a liberal Government in a Parliament of the nineteenth century. "Blessed is he who trusts the received version!" That is, blessed is he who shuts his eyes; blessed is he who does not attempt to discover historical truth; blessed is he who discards the aid of legitimate criticism; blessed is he who, in order to save himself trouble and pass an important Bill without exertion, determines not to make use of the faculties that God has given him and throws discredit upon scholarship and upon the University of which he is a conspicuous ornament by refusing to recognise anything but the received version. Certainly, the eight beatitudes are very fine, they stand very high in our estimation; but the ninth is more than worthy to take its place beside them. But the hon. and learned Gentleman went further and gave us a new article of faith, for he said in another portion of his speech that the Protestant Churches, when they all go together, cannot possibly be wrong. [The Attorney General was understood to dissent.] I was much struck by the assertion, but whether he said or not that the Protestant Churches cannot go wrong all together, the fact is that they have not gone together, and, what is more, not one of the Protestant Churches has gone with my hon. and learned Friend. Not a single Church can he find. The Church of England has not gone with him, and I will grapple with him on that point. He says that after the Reformation the law was that marriages were dissoluble until the end of the sixteenth century. What is his authority for that assertion? If he replies, "The Report of the Commission," let any one read that Report and see on what trumpery evidence that assertion is founded. I do not think that the Commissioners adopted that opinion. But my hon. and learned Friend gave us to understand that, in his opinion, until the case of Foljambe occurred, at the end of the sixteenth century, marriage was dissoluble by divorce *a vinculo* in the Ecclesiastical Courts all through the reign of Elizabeth. This matter is of importance, because it determines the character and spirit of the English Reformation. My hon. and learned Friend cannot find the proof of his assertion in the *Reformatio Legum*, because that was compiled in the reign of Edward VI. If it had received the Royal sanction in that reign it would have been repealed by Queen Mary, and would have been re-examined by Queen Elizabeth. But the *Reformatio Legum* never received the sanction of law, and something more ought to have been quoted to show that the Church of England was in favour of divorce for adultery in the reign of Elizabeth. There is not, indeed, a shred of authority for that assertion. There is a passage from Mr. Sergeant Salkeld which, without giving any authority for the assertion, says:—

> "Divorce for adultery was anciently *a vinculo matrimonii*, and therefore in the beginning of the reign of Queen Elizabeth the opinion of the Church of England was that after a divorce for adultery the parties might marry again."

I speak in the presence of many lawyers, and I say that such loose and random words are not entitled to the slightest weight until we know the sources upon which that opinion is founded. I assert the contrary, and I maintain that the practice during the reign of Elizabeth was not to recognise divorce *a vinculo* at all, and that the rules of the Ecclesiastical Courts were the same after the Reformation as before on this subject. I will give my hon. and learned

Friend conclusive proof of this assertion, and I will thus give the *coup de grace* to the assertion that divorce was a Protestant principle of the English Reformation. I am about to quote from a work written by Francis Clarke in the year 1596. He was at that time senior proctor of Doctors'-commons, and he was brought up in the study of the ecclesiastical law from his youth, *ab incunabulis educatus*, as he says of himself. He had practised thirty-six years in the Ecclesiastical Court :—

> "Exercitatum me per triginta jam et sex annos stetisse in Arcubus Procuratorem, cæteris etiam omnibus seniorem esse, in eâdem curiâ."

Francis Clarke is a competent authority upon the practice of Queen Elizabeth's reign, because he was senior proctor in Doctors'-commons. He began to practise in 1560, two years after Elizabeth came to the throne, and he practised until 1596, one year before the canons of Whitgift. Now, the House will pardon me if I read a little Latin—not more than a tenth part of what my hon. and learned Friend read—but the House will see the historical importance of this passage :—

> "Quamvis in titulo *Quod causæ tangentes Matrimonium* (§ Si Maritus et § Si Mulier) dicitur in casibus in eisdem specificatis agendum esse in causâ divortii sive separationis à thoro et mensâ, tamen de jure canonico legibus hujus regni in hâc parte approbato, non licet personis in his casibus (viz.) nec propter adulterium nec propter sævitiam divortiatis aut separatis, ad secundas convolare nuptias viventibus prioribus maritis vel conjugibus, quia vinculum matrimonii semel perfecti non potest ab homine dissolvi nisi morte naturali. Ideo in omni sententiâ in his casibus latâ inseritur hæc clausula :—'dictos N. et M.' (scilicet partes illas qui cupiunt divortium ratione adulterii si causa fuit instituta propter adulterium vel ratione sævitiæ allegatæ et probatæ) 'a thoro, mensâ, ac mutuâ cohabitatione et obsequiorum conjugalium impensione donec et quousque duxerint invicem reconciliandos et non aliter neque alio modo separamus et divortiamus' (plerumque vero admittitur (omittitur ?) hoc verbum divortiamus). Solent etiam judices moderni ad evitandas secundas has nuptias viventibus prioribus conjugibus (quod est admodum commune), expressè inhibere personis separatis, ne convolent ad alia vota durante vitâ separatorum cum admonitione etiam, quod innupti nisi fuerint reconciliati, maneant. Et quoties de hujusmodi nuptiis secundis coram summis Commissariis Regiis in Causis Ecclesiasticis vel coram Judicibus Reverendissimi Cantuariensis Archiepiscopi quærelatur, delinquentes in his casibus puniuntur et corriguntur atque ab hujusmodi secundis nuptiis (seu potius connubiis adulterinis) divortiantur et separantur."

I will venture to say that more clear and conclusive testimony than this was never placed before the House. So much, then, for the spirit of the English Reformation and the practice of the reign of Queen Elizabeth. With regard to later history there is not much dispute. In a bad time a bad precedent was made. The bishops of the Church did their duty in resisting it. In spite of courtly favour and influence they stoutly opposed the Bill introduced on behalf of Lord De Roos, who was a cat's-paw of Charles II., although the House of Lords had to discuss the various stages of that Bill under the evil and malign influence exercised by the unconstitutional presence of the Sovereign. A hundred and eighty-seven years have elapsed since that time, and with thankfulness for my country I observe that the practice does not appear to have grown. I hope it is needless for me to say that I do not mean to cast any reproach upon those most blameless persons—and some most admirable persons—who have availed themselves of the facilities which were afforded them ; but I may justly say of the practice that it has not shown a tendency to spread. On looking roughly through the list which has been laid on the table I find that, commencing with the reign of George III., in the thirty-four years between 1765 and 1799—there being some blank years in the return—ninety-five divorces took place—a considerable increase, certainly, upon the number of divorces previously granted. In the next thirty-one years, down to 1830, eighty-two divorces took place; and within the twenty-six years from that period to the present there have been ninety-nine divorces. Now, although there is a small increase, yet when you consider the immense extension of the wealthy class which profits by divorce, I may say it is matter of great congratulation that the practice has not spread more widely. Now, although I have already trespassed so largely on the patience of the House, I must still beg to be allowed to say a very few words upon the religious question involved in this measure, and also upon its social effects. The religious question is one which we shall probably have to discuss at great length in the future stages of the Bill. I feel strongly, in common with my noble Friend the Member for North Leicestershire (Lord J. Manners), the hardship which will be inflicted upon the clergy if this Bill should pass in its present form. I confess, notwithstanding the arguments of the hon. and learned Attorney General, and notwithstanding we are entering the month of August, I do not yet feel convinced that the House of Commons will back the hon. and learned Attorney General in his determination to press this Bill. I do, however, feel convinced of this—that if the House of Commons should unfortunately back my learned friend in compelling the adoption of his construction of Scripture with reference to the sacred rite and great mystery of marriage by the Church of this country, farewell to peace in the relations between Church and State! My hon. and learned Friend, who comes forward enunciating his glib doctrines about submission to the law, and the free principle of the union of Church and State, will have done more to forward the projects of those who seek to destroy that union than if he had voted with the hon. and learned Member for Sheffield in every division that has taken place against the *regium donum* or grants to Dissenting ministers. I wish to say that in my opinion the religious question is not limited to the clergy. I protest against any such limitation. We of the laity have consciences and belong to the Church, as do the clergy. We look to the law of that Church as founded upon something else than the *dicta* of the House of Commons or the House of Lords. We look upon the Church as a society governed by laws which afford sufficient and adequate means, by the co-operation of the respective powers, for making such changes as are proved to be necessary; and I protest against the doctrine, as degrading, that the religion we profess is not only in external matters —which I grant are incident to the state of the Church as an establishment—but in spiritual matters, relating to what the apostles call "great mysteries," to be cut and carved at the pleasure of my hon. and learned Friend or any majority at his beck. We cannot have religion respected in the country unless we show that we respect it ourselves, and being a body assembled here for secular purposes, and composed of persons of various religious persuasions, I ask whether it is consistent, I do not say with the interests of the Church or of the clergy, for that is a narrow ground upon which to place the question—but with the respect and reverence which we feel in our inmost hearts to be due to the revelation of God, that we should call upon this House—so constituted for civil and secular purposes—to take upon itself by its sole authority to determine religious and spiritual matters. Why, we may learn a lesson from heathenism in this respect. Even in times outside the pale of Christianity so strong was the conviction of wise men that it was impossible to secure the respect of the people to a religion which was evidently the mere creature of statecraft, that in the great States of antiquity we invariably find an endeavour to maintain, in some form, however corrupt, the idea of divine communication, of divine revelation, of divine institutions, of divine offices, separated from the political offices of the State; because it was felt that it would be destructive of the very idea of religion, to allow the people to suppose that its concerns were regulated, like the concerns of this earth, by the pure will and pleasure of secular Governments. That is the principle upon which I trust this House will proceed. I do not deny the high functions of this House. I do not deny that this House ought to be a consenting party, and an authoritative party, with regard to whatever is introduced into the religion of the State; but neither our history, nor our constitution, nor our law—so far as I am acquainted with its scope and outline—nor the principles, as I think, of our religion itself, permit us to believe that we are acting otherwise than most unwisely, and even profanely, if we take into our own hands the remodelling of religious rites and usages. I should be sorry to offend the susceptibilities of my hon. and learned Friend; but he is a professor of free opinions, he likes free expressions, and I hope I have said nothing offensive to him. Now one word with regard to the social question. I think that he has committed an error in the mode in which he has shaped and directed the enactments of this Bill, but I think that the most vital error of all was in its principle. I greatly fear its effect upon the people of England. I do not undertake to say whether that effect will be slow or rapid. Prophecies of this kind are frequently too confidently made, and are often disappointed. God grant it may be so! God grant that the prophecy may in this case be altogether unfilled! I did not quite understand the application of my hon. and learned Friend's quotation the other night—

> "Iliacos intra muros peccatur, et extra."

It was intended, I suppose, to have reference to something or other in his speech. I could not see what it did refer to, but I thought it might possibly refer to considerable immorality, resulting, both in town and country, from a lax law of divorce. The state of our country with respect to this matter is peculiar. I feel it very painful to be obliged to refer to such a subject, and I assure the House I do so with great reluctance; but we are forced into the discussion, and it cannot be avoided. I frankly own that I do not take a very sanguine view of the condition of the country with regard to this large and dangerous class of sins. I am afraid, as respects the gross evils of prostitution, that there is hardly any country in the world where they prevail to a greater extent than in our own. With regard to another most dangerous evil—namely, what is called antenuptial incontinence, its prevalence is so general in country as well as in town, that we must all feel humbled to the dust when we consider with how little strictness Christian obligations are in that respect observed. There is, however, a bright side of English society—I do not speak as to all classes of the community, for I cannot say it altogether of the upper classes; but with regard to the lower classes of society, where they are not, as is the case in London, brought into immediate contact with the incessant solicitations of temptation, I do say with joy and thankfulness that the observance of the marriage tie is faithful in the highest degree. If that be so, how singular it is that a great and deplorable laxity with respect to chastity before marriage should be coupled with extraordinary strictness in the observance of the marriage vow. The circumstance requires explanation, and my explanation—than which I think a more rational or probable one cannot be found—is that it is attributable to the indissolubility of marriage according to the English law. All Englishmen and all Englishwomen—all Irishmen and all Irishwomen—and in Ireland the observance of the marriage vow is still more exemplary than in this country—know that on entering into the marriage state they contract an indissoluble tie. And then you have the authority of philosophers—most impartial philosophers—of Gibbon, who condemns the licence of divorce, and of Hume, who speculating with his unequalled acuteness on this subject, says there is nothing so dangerous as to bring a man and woman into union, unless you bring them into absolute and total union. The union has been absolute and total. The whole course of desire, thought, purpose, will, and habit has adapted itself to the entireness of that union. The marriage state is a total and absolute change. You pass over a gulf which you know you cannot repass; you enter upon a new state, and you adopt all its obligations; but you are now going to make that gulf which has hitherto been impassable, passable; you are going to say to the woman who has sinned, although she may have sinned under the strongest temptation, "Your sins shall be unpardoned; you shall be divorced, and nothing shall reconcile you to the man from whom you have been divorced. You may marry again, and you may offend again, *toties quoties;* your sin shall be unpardonable by the person you have offended, though with his whole heart and soul he may be desirous to forgive you." That to me is a most doubtful state of things as regards the shutting the door to the penitent; but still more doubtful is the shaking the great idea of the marriage contract in the minds of the English people. Do not let us deal with humankind as if they were creatures of pure intellect, and as if life was governed by conviction. The traditions of past times, and the rules and customs of society, which a man inherits as it were from those who have gone before him, have more perhaps to do with the government of life than any other consideration. The indissolubility of English marriage is an idea which has never been shaken in the mind of England. At no time have the middle and lower classes of the English people known what it was to have marriage dissoluble. Take care, then, how you damage the character of your countrymen. You know how apt the English nature is to escape from restraint and control; you know what passion dwells in the Englishman; but here is a great feeling of restraint observed among your population, and which has prevailed ever since England was England, that the marriage tie is indissoluble. And is there any adequate reason for giving a shape to this notion? Are you quite sure, when you have shaken the feelings of the people on this vital point that they will settle down again upon a basis defined for them by my hon. and learned Friend the Attorney General or by Act of Parliament? As I have said, you are bringing in a system entirely novel—not novel, perhaps, as regards that small class of persons who have from time to time been divorced through the intervention of private Acts of Parliament, but perfectly novel as regards the great bulk of the community, and the great precedents of human history. No single age, or country, or period has ever known a law of divorce like this. None have ever gone so far, without going further. The great Jurist Schavoni states that at the Reformation all protestant States changed the law of marriage; but for 200 years after that there had been no change, because the reformers founded themselves on the clear view and sense of the Scriptures, and limited themselves to cases of divorce with remarriage for adultery and desertion, for it was the general opinion of the reformers that desertion as well as adultery was a ground of divorce; and this shows that it is most material that we should bear in mind the arbitrary and novel character of this plan, with respect to which I regret that I cannot regard it in any other light except one—namely, as the first instalment of change—the first stage on a road of which we know nothing, except that it is different from that of our forefathers, and that it is a road which leads from the point to which Christianity has brought us, and carries us back towards the state in which Christianity found the heathenism of man. I again repeat my thanks for the patience and attention with which you have listened to me. I resist this measure conscientiously, desirous, however, at the same time of avoiding all matters that would introduce angry feeling into this debate. If I have spoken warmly on the subject, it is because it has offended my own conscientious feelings. I resist this measure because I believe it to be a retrograde step, and pregnant with the most dangerous consequences to our social interests, in that it tends to bring us back again towards a state of laxity which Christianity does not recognise. I resist this measure because I believe it is not desired by the people of this country. I admit that the indications we have before us of the manner in which the Bill is regarded out of doors are imperfect, but they all go to prove that the feeling of the country is hostile towards it. I object to it because it contains a proposal harsh and unjust towards the ministers of religion, but still more so because the assumption of this function by the sole authority of Parliament involves an insult to what is far higher than the ministers of religion—namely, to religion itself. I object to it on all these several grounds, and, lastly, I must be permitted to renew the objection that it is pressed forward at a time when it is impossible to bring the general mind of the country and the House to an adequate consideration of its magnitude and importance; and, although what I may do may be utterly powerless in arresting its progress, at least I am determined, so far as it depends upon me, that I will be responsible for no part of the consequences that may result from a measure fraught, as I believe it to be, with danger to the highest interests of religion, and the morality of the people.

SIR GEORGE GREY: I have listened to the speech of my right hon. Friend, in common with every hon. Member of this House, with all the interest and attention which his brilliant orations and his subtle and ingenious arguments always excite and sustain in every assembly he addresses. I will at once say that I do not rise for the purpose of entering into the theological arguments employed in this debate either by my hon. and learned Friend the Attorney General, on the one hand, or by my right hon. Friend the Member for the University of Oxford on the other. With regard to the authority of Scripture, I may be permitted to say that I think those ingenious exercitations of the human mind on doubtful passages of Scripture rather tend to obscure their direct meaning, or to give them a meaning which they were not intended to convey, and so to weaken and impair rather than to establish the just authority of Scripture. It is at the same time the bounden duty of every man to avail himself of all the lights within his reach to assist his judgment in the interpretation of Scripture, and to adopt implicitly the conclusions at which he may arrive. But when my right hon. Friend says the authority of Scripture is doubtful in this matter, we are left in incertitude, and I feel that we are at liberty to adopt such rules with regard to this matter for the benefit of society as we may think most conducive to human interests and most in accordance with the general precepts of the Gospel. I cannot agree with the hon. Member for West Surrey (Mr. Drummond) that from the beginning of Genesis to the end of Malachi the rule is invariably laid down that marriage is indissoluble. I will only say I have read Scripture differently from him. I would ask those hon. Members who hold that text of Scripture to be absolutely binding which says, "Those whom God has joined together man shall not put asunder," how they reconcile the interpretation which they put upon those words with the fact that divorces *a mensâ et thoro*, by means of which a separation between man and wife takes place, are constantly granted in the Ecclesiastical Courts in this country? There is, I admit, a practical distinction between that class of divorces and divorces *a vinculo*; but I should like to know how it is that the putting asunder of husband and wife, which is the result of the former class, can justly be said to be in accordance with the law of God, while the more complete separation which takes place as a consequence of the latter is maintained to be in direct opposition to that law? But, passing from that point, I shall briefly advert to the charge of a desire to legislate with precipitation with reference to the important subject of this Bill which has been brought against the Government. In so doing I shall not repeat the arguments which I but a few evenings ago submitted to the House when the Motion of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) for the postponement of the measure was under discussion. I then stated that the question with which the Bill proposes to deal was one which had undergone the consideration of various Commissions and Committees, which had been much debated in the other House of Parliament, and which had come down to us from that assembly after having been subjected to mature deliberation. It has received in addition a great deal of public attention, has been commented on in various publications, and we thought the time had arrived when the opportunity should be taken of effecting what we considered a great improvement of the law on this subject. But my right hon. Friend the Member for the University of Oxford has told us to-night that he received a letter from a correspondent in Cornwall which shows that the people of the country do not quite understand the nature of the Bill; that many of them are under the impression that it contains provisions the operation of which would be to alter the marriage service; and my right hon. Friend urges that fact as a reason why time for further consideration of the details of the measure should be afforded, Now, if any views so absurd as those to which my right hon. Friend has referred prevail throughout the country, I can only say that I am more than ever rejoiced that the Motion of the right hon. Gentleman the Member for Oxfordshire—which if carried would have prevented that discussion by means of which I hope all delusions as to the effect of this Bill will be dispelled—was not successful. But, to return to the speech of my right hon. Friend the Member for the University of Oxford, I may observe that I listened to that speech with pleasure and admiration, but at the same time with the most unfeigned astonishment. My right hon. Friend has treated the proposition contained in the Bill before us as an innovation upon the law of England never heard of until the present time; and has sought to establish the complete indissolubility of the marriage vow. But my right hon. Friend is not satisfied with opposing the principle of the Bill; he objects to its details. He says it is a partial Bill, inasmuch as it excludes the members of the female sex from the enjoyment of those advantages which it purports to confer. Now, upon the statement that this Bill proposes an innovation on the existing law I wish to make a few remarks. My right hon. Friend more than once alluded in the course of his speech to the fact that a Commission was, in 1850, appointed to investigate the justice of the complaints which were then made of the scandals and abuses connected with the present law of divorce; and I may venture to remind the House that that Commission was composed of men of the greatest learning and experience, who in entering upon their investigation proceeded entirely upon the assumption that divorces were notoriously obtained in this country, and were sanctioned by Parliament; and their duty was to inquire into and suggest a method by which that end could be better obtained. The Report of that Commission was presented in 1853 to the notice of the Government of the day, and in 1854 the Administration of the Earl of Aberdeen, of which my right hon. Friend was a distinguished member, speaking in the House of Lords through its Lord Chancellor, laid before that assembly a Bill which I now hold in my hand, and which is entitled "A Bill to transfer the Jurisdiction in Matrimonial Causes to the Court of Chancery, and to establish a Court of Divorce." That Bill was discussed in the House of Lords; it was read a second time, was committed, reported, and was abandoned in the middle of the month of July, simply because it was deemed expedient that it should be passed in conjunction with the Testamentary Jurisdiction Bill, which it had been found necessary to postpone. It was, I repeat, abandoned for that reason only, and not because the Government entertained the slightest doubt as to the soundness of the principle which it had been framed to carry into effect. Now, will the House believe that the measure to which I have been referring is in principle identically the same, and in many of its most important provisions perfectly corresponds with the Bill which is now under discussion, and which my right hon. Friend has so vehemently opposed this evening? The measure of 1854 proposed to establish a Court of Divorce, and the 26th Clause was meant to empower the Judges of that Court, in case the act of adultery had been satisfactorily proved, and that there had been no connivance or other fault upon the part of the husband, to grant a dissolution of the marriage tie. That is precisely the course which we have adopted in the present Bill, the only difference between it and the Bill of 1854 being that it tends to afford a cheaper and more effectual mode of obtaining that remedy which the Bill of 1854 was meant to provide than would have been provided under the operation of the latter measure. Now, a great deal has been said in the course of this debate with respect to the intolerable hardship which this Bill is calculated to inflict upon the clergy by compelling them to marry persons who happened to have been divorced. Upon that point I can only say that the Bill contains no clause by which a clergyman would be compelled to marry persons so circumstanced. The only clause which can be supposed to have that effect is one which is also to be found in the Bill which was introduced by the Government of which my right hon. Friend was a member, and which says that it shall be lawful for the divorced parties to marry again as if there had been no prior marriage, or as if the marriage tie had been dissolved by death. But I am afraid my right hon. Friend's memory is not quite so good as his imagination is vivid and his eloquence is brilliant. We heard nothing, at all events, in 1854 of those inflexible rules of Scripture upon which he has to-night laid so much stress, and I can only infer from that fact that he did not in 1854 entertain those conscientious scruples to which he has in the course of this debate given expression; for, if he did entertain them, I know him too well to suppose for a moment that he would have assented to the introduction of the Bill to which I have called the attention of the House. But, descending from the high theological grounds which have been taken on this question, let us deal with the measure before us with reference to the dictates of reason, the demands of society, and the feelings of human nature. Looking upon it in that light, I cannot help thinking that there prevails among hon. Members generally a disposition to attach to the Bill an exaggerated importance. It would seem to be regarded as a complete innovation upon our social system as introducing an entirely new law of divorce—and, indeed, the noble Lord the Member for Leicestershire (Lord J. Manners) prophecies all sorts of evils as the necessary consequence of its enactment. He threatens us with a renewal of a state of things such as that which prevailed in France owing to the decree of the Convention, at the time of the Revolution, abolishing marriage. He goes on to refer to the results of the law of divorce as established in Prussia, and seems to be of opinion that similar results will follow the passing of the present measure, entirely forgetting that its operation will by no means be to place the law of divorce in this country on the same footing as it is in Prussia. My right hon. Friend, though he does not go so far as the noble Lord, impugns the statement of my hon. and learned Friend the Attorney General that this Bill is to substitute a general law for what has been for years the practice of Parliament. Let me call the attention of the House to two or three passages in the Report of the Commission presented in 1853. My right hon. Friend quoted part of a passage in that Report:—

> "By the law of England that contract is indissoluble, and when once it has been constituted in a legal manner there are no means of putting an end to it in any of our courts."

But he omitted what follows, which is most material in considering what has been the practice of Parliament—

> "Nevertheless, the mutual dissolution of such a contract, where adultery has been committed, is so consonant to reason and religion, that where the general law has failed to give a remedy, Parliament has stepped in to provide one specially, by passing a particular law in favour of those who can make out a case which will warrant its interference."

And in a subsequent passage, after tracing the course of Parliament for the last two centuries, the Commissioners, referring to the commencement of the last century, say—

> "By these means, the right to obtain a divorce *a vinculo* was definitively established."

The regulations of the House of Lords were alluded to last night, as showing a desire on the part of Parliament to restrict these privileges. What Lord Loughborough did in 1798 was, to lay down regulations, which were adopted by the House of Lords, and which bound the persons who came to Parliament for private Acts; but in laying down those rules, the House of

Lords gave a more direct sanction to the proceedings, and made it impossible for them to turn round and say, "Having invited you to come to our doors with a view to obtain a remedy for the wrong you have suffered, and knowing that you have complied with the rules we have made, because by the law of England marriage is indissoluble, we will not violate the law by granting any of these privileges." The noble Lord the Member for North Leicestershire (Lord J. Manners), feeling that the practice pressed rather hardly upon his case, said, "It is true two or three Bills for divorce have annually crept through Parliament." Crept through Parliament! Does the noble Lord mean that these Bills have passed with his silent consent, simply because he never heard till now that there were any such Bills before the House? Does not the noble Lord know that in 1840, upon the Motion of my right hon. Friend the Secretary of State for the Colonies, this House, adopting the same course with the other House of Parliament, also laid down certain rules by which proceedings in Bills of divorce were to be regulated? Does he not know that this House proclaimed those rules, and, by so doing, invited persons to come and seek a remedy by Act of Parliament which the general law did not give? But more than that: it was not long ago that a Standing Order was made which requires that, at the commencement of every Session, a Divorce Committee of nine Members shall be appointed; and the noble Lord must be the most ignorant and innocent man in the House, if he does not know that, in conformity with notice placed on the paper for the appointment of that Committee, with the names of the nine Members to be appointed, the question has been put from the Chair, Session by Session, which appoints that Committee for the purpose of granting proper facilities, with proper checks, no doubt, for obtaining divorces, and of avoiding the scandal from the repeated publications of those details which must necessarily be gone into by some court of inquiry before divorce Bills are granted. I would remind the noble Lord that there are, at the present moment, on the table of the House, four of those divorce Bills waiting progress, and if, hitherto, he has abstained from opposing divorce Bills, because he did not know they were "creeping" through the House, I tell him there are such Bills. I invite his opposition to them, and I hope he will take the sense of the House whether they shall be proceeded with or not. If you are to reject this Bill upon the ground stated, that marriage is indissoluble, and if you believe that upon Scriptural rules, you are not at liberty to support the second reading, you will act with the grossest inconsistency; you will violate your duty to God, you will violate your consciences, (which you allege, and I dare say honestly allege, to be the obstacle to passing this Bill), in consenting to pass those private Bills which embody identically the same principle. With regard to the question, whether the course adopted for so many years by Parliament does not amount to a judicial proceeding; whether, in fact, Parliament is not acting as a court for the consideration of these subjects, any doubt will be at once removed by reference to the evidence given before the Commission by men whose opinions are entitled to respect. Sir J. Stoddart, the eminent canonist, and Dr. Lushington, who has had long acquaintance with courts of this nature, give their opinion in the strongest form that Parliament has constituted itself a court—more expensive and inconvenient than other courts, no doubt—but Parliament has constituted itself a court by which, on certain facts being proved, and in the absence of proof of other facts which debar the person seeking the remedy from obtaining it, as a matter of course, and as a matter of right a remedy has been granted to suitors equally as if the law had authorized the ordinary courts to entertain these suits. Assuming, of course, that there is no Scriptural prohibition binding on our consciences, I think it idle to discuss whether marriage is dissoluble or not. We have the authority of the whole human race in opposition to this alleged indissolubility of marriage. It is said that in the Roman Catholic Church it is indissoluble, and that over the greater part of the Continent, where the people are Roman Catholics, it is indissoluble. But is marriage indissoluble in Roman Catholic countreis? The Council of Trent may hold that it is indissoluble, but—I speak with all respect of the Roman Catholic religion—is there not avery convenient mode of dispensing with the doctrine of the Church by a supreme authority? Have we never heard of dispensation? It may be a tribute to human nature, to human frailty, to human weakness, if you will, but the exercise of that power is an admission that it is impossible, inany state of civilized society, to maintain the doctrine in all its strictness that marriage is indissoluble, and that in no case and for no cause the bond shall be dissolved. The question which we have to decide is, not whether there shall be a new law of divorce, because this Bill, with the slight exception that it allows a woman to sue for a divorce on the ground of adultery on the part of her husband, accompanied with desertion, does not alter the grounds and causes for which divorce is now granted; it simply alters the court in which the suit is brought for the dissolution of the marriage. Is not that an improvement? The right hon. Gentleman the Member for the University of Oxford says, "You tell me you are not altering the law, but the law now only grants divorces to those who are rich enough to pay large sums for them. You are altering the law because you admit other persons to that remedy. Although equally entitled, equally suffering from the intolerable grievance of broken marriage vows by those to whom they were bound for life, if those vows had not been broken, they ought still to be debarred from a remedy by the enormous expense which you impose on those who come to Parliament for relief." The right hon. Gentleman seems to think it an advantage that this privilege should be confined to those who are rich enough to obtain it if they choose, while they know there are others suffering from the same grievance who, from deficiency of means cannot obtain it. Does he mean to say that if the fees of a court were reduced to enable suitors to come to it who were before excluded, not by law, but by not having the means to pay the expense, that would be a great innovation, and the law would be changed, simply because redress, instead of being nominally was really open to all? I am afraid the only objection to the Bill is that it does not go far enough in that direction. It is no alteration of the law of divorce, but only removes, in a certain degree, a glaring injustice. According to the statement of some hon. Members, whereas there are now ten persons asking for divorce there will be 100. But if so, we must come to the conclusion that there are now ninety persons who suffer the same grievance as the ten, and are not debarred by law but by the expense of proceedings in Parliament, Parliament being a judicial court in these matters, and shutting its doors to all but those who have the means to defray the expenses. I will not go into the details of this Bill. I have stated generally the object which it has in view, and I have said some things which I hope may tend to dispel the alarm of the noble Lord the Member for Leicestershire as to the fearful results likely to result from this Bill. I shall only advert to one provision in the Bill, and very shortly to that, because it can more properly be considered in Committee, namely: the clause which is to be found also in the Bill introduced by Lord Aberdeen's Government, which allows the party divorced to marry again after the time for appeal against the decree granting the divorce *a vinculo* has expired. I myself have seen many addresses complaining that a clause of the Bill imposes upon the clergy an obligation which they cannot conscientiously discharge. Now, with regard to that subject, I must say that in this House the question has been most incorrectly stated. It has been said, that all that the clergy desire is, that they should not be placed under the obligation of reading the marriage service and performing the ceremony of marriage between the person who has been divorced and the person who has been the cause of that divorce,—in other words, between the guilty parties. Now, I admit, that a matter of detail would be best discussed in Committee, but I wish to point out to the House that the statement to which I have referred as to the objection of the clergy is entirely incorrect. Why, Sir, the objection to the measure which is attributed to the clergy has no reference to the guilt or innocence of the parties, but is founded upon the alleged indissolubility of the marriage tie. It is not a question of the marriage of guilty parties at all, but it is the question whether you hold that when a husband, without any collusion or participation on his part, has suffered the greatest wrong which a man can suffer by the breach of the marriage vow on the part of his wife, a clergyman may say, "You are a married man, and being so I am not bound to recognize the law of man or to admit the validity of the divorce which you have obtained." [A gesture of dissent from Mr. HENLEY.] The right hon. Gentleman the Member for Oxfordshire shakes his head, but let me remind the House that this subject has been fully discussed elsewhere, and a right rev. Prelate, speaking on behalf of the clergy, has dealt with it with all that eloquence and force which he so eminently possesses, and what were the terms of the proviso which he moved upon the very subject of the obligation of the clergy to marry persons who had been divorced? Why, they were as follows:—

> "Provided, nevertheless, that, inasmuch as by the law of this Realm and Church the bond of marriage hath hitherto been indissoluble, no clerk in holy orders of the Church of England shall, after the passing of this Act, be liable to any censure, penalty, or punishment whatever, in any court, ecclesiastical or civil, for refusing to perform the marriage service over any person or persons who, having been married and divorced, shall seek to be married again during the lifetime of the husband and wife, from whom they have been divorced under the provisions of this Act."

It is quite clear, therefore, that the Amendment of the right rev. Prelate did not apply only to the marriage of the guilty parties, but that it included the case of remarriage of the innocent persons, whether husband or wife. My only object in making these observations is to place the matter before the House in its true light. When we get into Committee we shall be able to discuss this particular question more fully and more conveniently, and I hope and trust that the House will then be convinced that the position taken up by the opponents of this measure, on the ground to which I have referred, is utterly untenable. It is said that this Bill will impose a new obligation upon the clergy. Now, that I utterly deny. The system of legislation upon the subject hitherto has been, that Parliament has been, to a limited extent, a court of divorce, and in all cases where a divorce has been granted the obligation of the clergy to remarry the divorced parties has existed to the fullest extent to which it will exist under this measure, which I hope and confidently believe will in a very short time become law. It may be true that when this Bill is passed into law clergymen may be called upon to pronounce the blessing of the Church upon the marriage of persons who have been divorced more frequently than they have at present; but that is only a question of degree—not of principle. At present, any person who has been divorced may present himself before a clergyman to be married according to the forms of the Church, and therefore I say that the obligation upon the clergy to perform the marriage ceremony already exists, and is not in any way created by this Bill. I do not wish to say more upon this subject. I have only been anxious to bring back the House to the region of common sense and reason, and to persuade them that the alarm which has been expressed as to the alteration of the law of marriage and divorce is entirely a fiction of the imagination; and I certainly hope that this House and the country will be disabused upon this subject, and that the House will assent to the second reading to the Bill.

LORD LOVAINE said, he rose with some diffidence to address the House, after the very powerful speech of the right hon. Gentleman the Member for Oxford University—a speech which for eloquence he had never heard surpassed within those walls; but as one of those who still entertained a lingering regard for the rules and practices of the Christian church from its foundation to the present time, it was impossible for him to let the speech of the right hon. Gentleman the Secretary of State for the Home Department pass without some comment. It might be quite true that the right. hon. Gentleman the Member for the University of Oxford might have been a Member of the Government which had introduced a Bill similar to the present, and therefore inconsistent; but not one of the arguments of that right hon. Gentleman (Mr. Gladstone) had been touched by the right hon. Baronet, who had carefully avoided all allusion to antiquity, and had not ventured to refer to any of the authorities quoted in proof of the position that the Church had invariably held the doctrine of the indissolubility of marriage. The right hon. Baronet had descanted freely upon the instances in which divorces had been granted in violation of the law of the Church, and had charged those who opposed the Bill with hypocrisy, because, while professing to maintain that marriage was indissoluble, they had allowed private divorce Bills to pass without opposition. He could only say in reply to that statement, that it had been the invariable rule of the House of Commons to pass such Bills *sub silentio*, but it did not follow that every hon. Member who allowed a Bill to pass without opposition thereby signified his approval of its principle or its object. He (Lord Lovaine) might retort on the right hon. Baronet by saying, that the Government did not by this Bill attempt to extend divorces to all classes. Even if this Bill was passed divorces would still be restricted to the wealthy. The Government, in fact, proposed to still leave marriage indissoluble to nine-tenths of the people. The right hon. Baronet had made some severe remarks upon the remonstrance of the clergy. It should be recollected, however, that the clergy had now for the first time awakened to a knowledge of the fact that henceforth the power of obtaining divorces would be possessed by a numerous class who had not hitherto enjoyed it; and that an adultress would be allowed to marry in the same way as the person whom she had wronged; and that they themselves would be obliged to pronounce the blessings of the Church upon parties convicted of a heinous sin. To perform the marriage ceremony in such cases would be nothing less than rank blasphemy; and he did not suppose that anybody would attempt to inflict so great a hardship upon the clergy. He trusted, therefore, that the clause providing for the marriage of the adultress would not be persevered in; and he should emphatically deny that the opponents of the measure wished to preserve the privilege of divorce for the rich. They were altogether opposed to the practice of dissolving marriage; and they were, therefore opposed to increasing the facilities for divorce, and for the marriage of divorced parties, which would be afforded by the measure now before the House.

The SOLICITOR GENERAL said, he had listened to the right hon. Member for Oxford University with pleasure and admiration, but did not think that his speech, able and eloquent as he admitted it to be, touched the practical bearings of the question before the House. He agreed with him that the House of Commons was not a fit arena for the discussion of religious questions, and, notwithstanding the able speeches they had heard from his hon. and learned Friend the Attorney General on one side, and from the right hon. Gentleman, and the hon. and learned Member for Dundalk (Mr. Bowyer) on the other, he thought that the minute criticism of Scriptural texts was a task more appropriate to the study of the divine, or the library of the scholar, than to the popular branch of the Legislature. But the Bill, with all the theological, legal, and social considerations which it involved, had been discussed elsewhere; the opinion of the heads of the Church had been expressed upon it, and while, undoubtedly, there was a difference of opinion upon the question, the weight of authority was in favour of the marriage tie being dissoluble in certain cases; and the right hon. Gentleman was obliged to allow that even in the early ages of the Church this doctrine was held. Undoubtedly, however, that doctrine at the present day was held by at least a great portion of the Church. Any hon. Gentleman who wished for it might find much valuable information in the Report of the Committee, and the Committee recommended the adoption of the measure now under the consideration of the House. But assuming that they satisfied themselves that there was nothing contrary to religion in the course they proposed, then came the practical question with reference to the effect of the measure on the social condition of the people, and certainly he was rather surprised at the noble Lord the Member for Leicestershire (Lord J. Manners) who last night descanted in terms of much indignation at the idea of introducing a change which, according to him, would produce almost universal immorality. He spoke as if the measure would dissolve the framework of society; and he based his opinion on the result of the facilitating of divorces in Germany, by the law of that country. The noble Lord referred to the speech of Baron Gerlach, showing the frequency of divorce in Prussia; but he did not tell them that in Prussia divorce was allowed for a great number of causes, some of them very trifling in their nature, while by this Bill the right of divorce was confined to cases of adultery. They had, however, an illustration nearer home, much more apposite, for the purpose of testing whether any danger to morality was likely to follow the adoption of this measure—that of Scotland, where the law of divorce went much further than was proposed by this Bill, although stopping short of that of Prussia. In Scotland divorce was allowed in cases of adultery or continuous desertion; and it did not appear that this facility produced those frightful consequences which were apprehended by the opponents of the Bill; nor were all the people running after divorces in the way some hon. Members seemed to suppose. It appeared that in five years there were only ninety-five cases, and he had yet to learn that the people were more immoral than those of this country. So that, although the expenses of obtaining a divorce in Scotland was only £20 or £30, the evil results which were anticipated by some hon. Members as likely to flow from the Bill were not justified by the experience of the operation of a somewhat similar law in that country. Looking at the matter in a practical point of view, the question for the House was, whether the present state was desirable or not—whether they were prepared to stay where they were, to retrograde, or to go forward. They who contended that marriage was indissoluble, could not with consistency consent to a legislative divorce; for if to grant it at all was contrary to the Divine law, they ought never to consent to pass a Divorce Bill. Would they go back, and abolish divorce altogether, or retain the present law, which gave a remedy to the rich but not to the poor? It was objected that the new court would be very expensive, that it would lead to all sorts of collusion, and that dissolution of marriage would be very frequent. It was true the Bill did not go as far or bring divorce as low as it might; what it did accomplish was to substitute a judicial legal tribunal for an anomalous, expensive, extraordinary and legislative one. As it stood the Bill went sufficiently far, for it was easier to extend the provisions of such a measure than to abridge them. He could not coincide in the extravagant ideas of the expense entertained by some Members, but he believed the Bill would afford a much more extensive remedy than the present, at an expense not too great. If that were so, what was the real objection to the second reading? Then it was said, this was a coercive measure upon the clergy with respect to the re-marriage of divorced persons; but as his right hon. Friend the Home Secretary had remarked, it made no change in the law with regard to the clergy, but left them in exactly the same position as they were at present. The clergy had no more right to complain of this Bill than of the system which had existed for the last one hundred and fifty years. If a greater number of such marriages should be solemnised it would only show the more extensive operation of the Bill; but, if, as some supposed, that there really would be no such increase, then the grievance upon the clergy would not exist even in degree. He submitted that if they were satisfied, as he thought they would be, that the Bill was no violation of religion—that there was a sufficient necessity for additional legislation—the House would agree to the second reading of a Bill which would be just to individuals, and advantageous to society, and would supply the deficiencies in the present law.

MR. HENLEY said, he should not have risen to address the House had it not been for one or two remarks of the right hon. Gentleman the Secretary for the Home Department (Sir G. Grey). He thought the speech of that right hon. Gentleman was an exceedingly clever and able one after the fashion of that House, for while affecting to answer the speech of the right hon. Member for Oxford University (Mr. Gladstone) he had, with singular adroitness, avoided answering or attempting to answer any one of the arguments contained in that speech. In common fairness he should have noticed what the right hon. Member for Oxford University stated at the commencement of his address, that, until within the last few months he had not been able to look deeply into the subject. If that had been done, the remarks that had been made about a difference of opinion expressed now and two or three years back would have been out of place. The right hon. Gentleman the Secretary of State for the Home Department apparently wished to put before the country in a true light the opinions of the clergy upon this subject; and in what manner did he do it? Not by referring to the best expressed opinions of the clergy, not by referring to the petitions against the Bill, signed by 80,000 or 90,000 persons, many of them clergymen, nor to the declaration signed by about 8,000 of the clergy of all shades of opinion. And when the right hon. Gentleman stated that the clergy who complained of a grievance rested that complaint upon an opinion that marriage was indissoluble, he was not acting with fairness in so misrepresenting those clergymen. The right hon. Gentleman (Sir G. Grey) quoted the opinion of a single prelate, and represented it as that of the whole clergy, though it was in the direct teeth of the declaration which had been signed by 8,000 of their number. A more complete misrepresentation of the views of the clergy could not have been given, and he would ask whether it was fair or candid on the part of the right hon. Gentleman to set forth the declaration of a single prelate in the way he had done? The declaration stated their earnest desire that facilities unauthorised by Scripture and by the law and ritual of the Church should not be given for the dissolution of holy matrimony. They did not say that marriage was indissoluble, but they prayed that, as marriage with a divorced woman was declared to be adulterous, they might not be compelled to celebrate such a marriage. He (Mr. Henley) agreed with the clergymen who had signed the declaration in thinking that marriage was not indissoluble. [SIR G. GREY: I read the declaration otherwise.] He (Mr. Henley) knew the clergyman who drew it up, and that was his opinion. The Attorney General had very adroitly put the point of indissolubility as if it were the whole question at issue. But even if they held marriage to be dissoluble, the question still arose whether it was wise or prudent to bring it home to the doors of the people at large. It was clear from the language of the hon. and learned Attorney General and the right hon. Baronet that the present Bill was only an instalment, and indeed it would be impossible long to withhold from every class of the people that which was within the reach of a limited portion of them. It therefore became an important question whether they would best consult the interests of morality and religion by depriving the limited number who could now obtain a dissolution of marriage of that supposed benefit, or by bringing it within the reach of all classes of the community. The example of Prussia had been referred to, and no one could say that the law of divorce in that country had worked well. The Solicitor General alluded to Scotland, and spoke of the small number of divorces that took place there; but if the numbers in England were to be in the same ratio to our population the increase would be very considerable. The hon. and learned Gentleman did not, however, tell the House that in Scotland the divorced parties could not marry again, a circumstance which made all the difference in the case. A mere separation was not likely to have the same effect on the morality of the country as giving the parties who had committed the sin permission to enter into a contract of marriage with each other. That feature of the Scotch law to which he had referred formed an essential safeguard against the moral evils which were likely to arise, and one of which the present Bill took no notice. The hon. and learned Gentleman the Attorney General called the present system a blot on our laws and a scandal. The blot consisted in people who were aggrieved not having a remedy unless they were rich. But this was not to be done away with by the Bill. The Solicitor General said that they must go still further, step by step; so that the blot was only half rubbed out. Then as to the scandal, which consisted of the *crim. con.* action—a very discreditable kind of action, no doubt,—in what way was it proposed to remove it? It was said there was a fine proposed by the Bill, but no appropriation of the money; and a suggestion was thrown out that it might be applied in the shape of compensation to the injured husband. Then what became of the scandal? What was a *crim. con.* action but an action for compensation to the husband! At present the action was decided by a jury; but his hon. and learned Friend would take it out of the hands of the jury, leave the Court to fix the fine, and, he supposed, appropriate the money, though that was not in the Bill. This was straining at the gnat and swallowing the camel. The hon. Gentleman the Member for Herefordshire (Mr. Puller) acknowledged that this Bill had created great alarm in the country, but he could not understand why. It was for this reason that people felt that though this might not be a new law, yet it was a law which was going to be brought within the reach of the great mass of the population, and they thought, whether rightly or wrongly, that it would therefore have a tendency to shake the sanctity of the marriage tie. That was not an unnatural apprehension, for it was impossible that this innovation could stop here. Nobody could say exactly what the cost of obtaining a divorce under the new law would be, but the House might depend upon it, that if it were large that would be a "blot" which would be struck at immediately. Again, the argument would be urged, that there ought to be one law for the rich and another for the poor. There must be smaller courts for the poor man, it would be said, and he could not see how that demand was to be resisted, for additional facilities for the poor man was the only ground on which the Bill rested. It could not be pretended that the measure was called for by the country, for not one single petition had come up in favour of this Bill, or praying for an alteration in the law. The history of this change was this. Parliament was about to sweep away the testamentary jurisdiction of the Ecclesiastical Courts, and then it was thought that if matrimonial causes—the first idea did not include cases of dissolution of marriage—could be transferred to an independent tribunal the Ecclesiastical Courts might be got rid of altogether. This led to the appointment of a Commission, for it was by a Commission that the first steps were usually taken in these matters. The right hon. Gentleman the Home Secretary had referred with great complacency to the evidence taken by the Commissioners, and had pointed out to the House the manner in which the Commissioners had cross-examined the witnesses. But none of these witnesses had ever come near the Commission. The Commissioners, lawyer-like, wishing to shorten this business, sent for the evidence taken before the Committee of the House of Lords, and printed it bodily in their Report. He (Mr. Henley) had given his best attention to the Bill, and his unfeigned desire was for more time; nor could there be a better proof of the necessity of giving more time for the consideration of this matter than the confusion in the mind of the right hon. Gentleman both as to this point and as to the real opinion of the clergy, to which he had before adverted. Time would also have allayed the misapprehensions which existed on the subject. If this Bill were passed now it would be passed against the feelings of the majority of the country. The people of England were not unreasonable. If the arguments in favour of this Bill were right, and they had time to consider them, they would be assenting parties to the Bill; but if it were passed now, the universal opinion would be that it had been forced through Parliament with indecent haste, and without giving an opportunity to the representatives of the people to communicate with their constituents. It would have been a much wiser course to lay aside the Bill until the new Testamentary Courts had got into fair working order, instead of hurrying on a Bill, which, as it stood, would tend to multiply divorce, and be prejudicial to the best interests of the country.

MR. WALPOLE: As one of the Commissioners who signed the Report on which this Bill is said to be founded, I trust the House will grant me its indulgence while I explain the reasons which induce me to support its second reading. I cannot help thinking with my learned Friend the Attorney General, that the nature of the Bill has been much misunderstood and much misinterpreted; and when I hear my right hon. Friend who has just sat down acknowledge that if it had been longer before the public it would have been accepted by them as a wise settlement of the question—[Mr. HENLEY: If the arguments in its favour were right.] I cannot help regretting that those who take an interest in the subject should not have endeavoured, at least in Parliament, to instruct the people as to the real nature and bearings of the measure. But that this has not been done is palpable from one of the letters read to-night by my right hon. Friend the Member for the University of Oxford, showing that the people in the parish referred to were under the impression that by this Bill any husband and wife who quarrelled might have their marriage dissolved. Moreover, if a stranger had come into the House to-night, ignorant of the laws and history of our country, and had heard the splendid language in which this Bill has been denounced, he would have run away with the idea that some strange fatuity had taken possession of Parliament; that the sacred relations of marriage were about to be broken; that we were going to introduce the most lax insecurity into our English homes; that the position of woman, which has been raised so high by the influence of Christianity, was about to be lowered, and that the whole state of the morals of the country was to be degraded by the passing of a measure which would facilitate divorces to an undue extent and in a manner unsanctioned either by reason or by Scripture. But if the same stranger had waited until the first effect of that magnificent eloquence had passed away, if he had taken time to recall his thoughts or had appealed for information to some one who possessed more accurate knowledge of the law as it now is, and also as it will be under this Bill, he would have learnt with astonishment after such denunciations that the relations of marriage are in no degree loosened or unsettled by this measure; he would—he must have been—told that no woman would be placed in a degraded position as compared with that which she occupied before; he would, he must, have been told that the nuptial bond could not be dissolved for any cause but that for which a dissolution can now take place; nay more, he would, and must, have been told that the only object and purport of this Bill is to substitute one good judicial tribunal for three bad ones—in one of which the proceedings are admitted to be a scandal and a disgrace to the country; in another of which, for the same offence, you go through the same proof and the same trial; and in regard to the third of which we have introduced the monstrous absurdity that the Legislature of the country is to try a question which of all questions most requires judicial thought, judicial habits, judicial patience, and judicial impartiality. I do hope that the House and the country will see what is the nature and effect of this measure by comparing the existing law, or at least the existing practice which has become law, with that which will be law, when this Bill is passed; and for that purpose I trust that the House will bear with me while I bring these points as clearly and as shortly as I can before them. By the law and by the Bill there are two kinds of divorce—one of which is permanent and the other temporary. The permanent divorce is the divorce, *a vinculo matrimonii,* and the temporary divorce called by this Bill a "judicial separation," is called by the law, a divorce *a mensâ et thoro;* the causes of these two kinds of divorce are by the Bill and by the present law substantially the same. The causes which justify a judicial separation are adultery and cruelty, and to these the Bill adds wilful desertion. The causes, or rather I should say the only cause, of divorce *a vinculo*—for it ought to go from one end of the country to the other that there is but one ground for that kind of divorce—is the same in this Bill and under the existing law—and that is adultery. This kind of divorce can be obtained by the husband where adultery is proved on the part of the wife, but it can be obtained by the wife only in certain cases in which there is proof of aggravated adultery on the part of the husband. The Bill and the law are therefore concurrent as to the causes for which divorces are to be allowed. Nor do they differ as to the consequences which are to follow them. The consequences of a temporary divorce or judicial separation are, that the parties are legally separated, with the power of reconciliation and of meeting again, but while they are separated a suitable provision is made for the wife under the name of alimony. The consequence of the divorce *a vinculo* undoubtedly is since the marriage vow is broken by that act, that the tie which held the parties together is gone, and—whether rightly or wrongly I will presently inquire —both by the Bill and by the law the parties are remitted to their single state, and being remitted to the single state, they are both allowed to marry again. Now, Sir, I think I have shown that there is really and substantially not one iota of difference between the law and the Bill, either as to the divorces intended to be allowed, or as to the causes for which they may be promoted, or as to the consequences which are to follow from them. That being so, I put it to the House, and through the House I put it to the country, whether there is in this measure anything calculated to lead to that profligate dissolution of manners with which we have been threatened if we pass this measure. And now let me grapple, and grapple fairly, with the objections which have been raised and urged against it. These objections, coming as they do from the same persons strike me as not a little remarkable, because they appear to arise from the most opposite quarters and certainly they lead to the most opposite results. According to one argument the Bill goes much too far, and according to another it does not go far enough. According to one you ought to have no divorces at all, because marriage should in all cases be indissoluble; according to another you ought to extend if not the causes of divorce, at least the remedies to the parties applying for them, by allowing to the woman the same facilities that you allow to the man. My right hon. Friend (Mr. Gladstone), in that splendid address which he delivered this evening, pointed out forcibly in his own glowing language the corruption of manners to which he thought this Bill would lead. But I must remind him of his own statement, that for one adultery committed by a wife there were twenty committed by husbands. Now the force of his argument, if fairly traced to its logical consequences, was that, if you allow divorce to a husband on the ground of adultery, you must concede it to the wife also on the same ground; but then if his other statement be true, that for one adultery committed by wives, there were twenty committed by husbands, he would multiply by twenty the number of divorces which may take place under this Bill. If we look to the reasons upon which these objections rest we shall find them to be very different. One is founded upon the opinion that in all cases and under all circumstances marriage is or ought to be indissoluble except by death. Another rests on the idea that marriage, even though it is sanctioned by a religious ceremony, partakes more or less of the nature of a civil contract, and can, like other contracts, be modified or destroyed. A third objection is taken by the clergy, and it seems to me to have more justice in it than any of the others. The first of these objections, namely, that the Bill goes too far, proceeds upon the assumption—that marriage is or ought to be indissoluble; and, even if it be not, still it is unadvisable on moral grounds, and for the good of society, to prevent divorced persons from marrying again. In considering this subject I bear in mind the Scriptural allowance of divorce and the Scriptural permission of remarriage. No doubt these two things are essentially distinct in themselves, but I believe it will be found that the latter resulted in reason and religion directly from the former. It is painful to enter into a religious argument, and I shall do so only so far as to show that I am upon religious grounds justified in stating that marriage is dissoluble for the one great offence, the sin of adultery, and that when that happens there is nothing in Scripture prohibiting a recourse to second nuptials. My right hon. Friend, following the Attorney General, pointed out to the House the remarkable passages in St. Matthew, St. Mark, and St. Luke. Now, Sir, the view which I take of this case is that which has been taken by the great majority of divines, in the earliest ages of the Church, and also by the great mass of modern divines. Upon this subject I will use no words of my own, but will take the language of one to whom I need not say the Church has always looked up as one of the most judicious and the most learned of her divines. Dr. Hammond, in his *Tract on Divorces*, says:—

> "That Matthew should be interpreted by the other two, the more explicit and larger by the shorter and less explicit, seems not reasonable; and, besides, it were not easily imaginable what should become of those verses of Matthew, both xix. 9 and v. 32 "except for fornication," if the full sense were expressed by Mark and Luke without them; for though it is easy to conceive such words to be meant when they are not expressed, yet it is not so easy to conceive them not to be meant since they are expressed."

That is the view which I take of the subject. I make this quotation without arguing the case, because I don't wish to enter into a religious discussion. But I cannot help, by way of illustration, confirming the view thus taken by Dr. Hammond. Suppose three jurists in this country were writing treatises upon points of criminal jurisprudence. Suppose two of them said, "You shall not kill;" and the third said, "You shall not kill except in self-defence;" would there be any contradiction there; would not the three stand well together? and would not the exception mentioned by the third be imported into the general rule laid down by the others? Again, suppose the same two jurists said, "You shall not swear," and the third added, "You shall not swear except in a court of justice," would any one say that these *dicta* were not in perfect accordance? And so, when two of the Evangelists say, "You shall not put away your wife;" and by another Evangelist it is said, "You shall not put away your wife except for fornication," is not the expressed qualification of the third to be understood in the command conveyed more briefly by the other two? This view is confirmed by divines, both ancient and modern. The opinions of the ancient divines were all collected by Cranmer at the time when Parr's case was under consideration, and they will be found by anybody who wishes to refer to them in the second volume of *Burnet's History of the Reformation*. The opinions of the ancient divines were also collected by Bishop Cosin in the Duke of Norfolk's Case, and it may be found in the 30th volume of the *State Trials*. The modern divines, to some extent, differ as to the remarriage of the parties divorced. Bishop Hall, Bishop Taylor, and many others, all agree as to the divorce on the ground of adultery. From the time of the Duke of Norfolk's Case down to the present moment you have had, without exception, as far as I know, the Bench of Bishops concurring in this: they remonstrated, no doubt, against parts of these divorce Bills which are called *privilegia*, but they never objected, as far as I know, on the ground that divorce was not permitted by our Saviour for adultery. So much on that part of the case, which relates to the Scriptural permission of divorce for the one excepted cause. But, says my right hon. Friend, there are no authorities favourable to the remarriage. Now, I own there is a vast difference between the two propositions; but, according to the best judgment I can form of the case upon Scriptural grounds, I think the divorced woman alluded to in the New Testament as one whom it is not lawful to marry, is always referred to as one that has been put away for some of the lesser offences which the Jews insisted on, and not for the higher offence of fornication or adultery, which is in itself a complete disruption of the marriage bond. If I am right in that conclusion, it necessarily follows that Scripture is silent on the question of remarriage, and, being so silent, it is in the power of every State to deal with the subject in the way most conducive to public morals, and most beneficial to the community at large. There being no Scriptural prohibition of divorce on the ground of adultery, but, on the contrary, an allowance of it, and there being no prohibition of the remarriage of parties so divorced, the social question immediately arises—ought the State to allow or to prohibit these remarriages? That is one of the most important questions which can be agitated in any assembly. It is not very easy to grapple with all the difficulties which present themselves, but this, I think, one must admit—that divorce for adultery has at all events always been allowed to the innocent party; and the reason is obvious. If you do not confer upon him this privilege you make him suffer for the guilt of another, and throw upon him a load and a burden which neither reason nor religion justifies you in imposing. I do not wish to rest on my own opinion on such a matter as this, but there is a beautiful passage in one of the divines to whom I have referred which so entirely conveys my own views on this part of the question that I will venture to read it to the House:—

> "Shortly, then, I doubt not but I may (notwithstanding great authorities to the contrary) safely resolve that in the case of divorce it is lawful for the innocent person to marry. But for that I find the Church of England hitherto somewhat tender on the point, and this practice, where it rarely falls, generally held, though not sinful, yet of ill report, and obnoxious to various censures. I should therefore earnestly advise and exhort those whom it may concern carefully and effectually to apply themselves to the forementioned remedies; reconciliation, if it be possible to prevent a divorce; holy continence, if it may be obtained, after a divorce; but," and now mark these words, "if these prevail not, I dare not lay a load on any man's conscience which God hath not burdened; I dare not ensnare those whom God will have free."

These are the words of no less an authority than Bishop Hall, and I will only add that if the marriage is so entirely dissolved as regards the innocent party that he may enter into second nuptials, it is difficult to conceive how the marriage of the guilty can be otherwise than put an end to after divorce, to all intents and purposes whatsoever. I arrive, therefore, at my first conclusion—namely, that the objection, that this Bill goes too far, is neither warranted by Scripture nor by reason, and that we are perfectly justified in recognising that which has been the practice of this country for so many centuries, namely, the dissolution of the marriage bond, when either of the parties has broken that bond by the act of adultery. The other objection taken is, that the measure does not go so far as it ought to go. Now, I am happy to say that this objection does not demand the extension of divorce to cases of ill-temper, disgust, impossibility of living together, voluntary separation, and so forth. Burke, in his own beautiful language, has described how much, by confining marriage to the pair, and making it indissoluble, Christianity has done to promote the happiness, the peace, and the civilization of the world. In using the word "indissoluble," however, Burke recognised the one exceptional ground of divorce; and I certainly think if you grant divorces for any other cause than adultery there would be immense danger of breaking up that which is the tenderest of all earthly ties, and that you would, in point of fact, degrade marriage into a mere transient connexion. Nobody has taken up this ground in the course of the debate, but the reasoning of my right hon. Friend went to show that the language of Scripture must be applicable to both sexes, and that if you allow divorce to the man you ought to allow it equally to the woman. Now, I think my right hon. Friend does not distinguish, as he ought, between the Scriptural permission of divorce and the social application of that permission to suit the exigencies of Society. I believe that Scripture allows divorce both to the man and the woman on the ground of adultery; but, examining the question socially, I find a broad distinction between the consequences of this sin as the same may be committed by the husband or the wife. On the one hand the adultery of the wife necessarily breaks asunder all family ties, and may introduce into the family circle a spurious offspring. On the other hand, the adultery of the husband has no such necessary consequences; and for these reasons, even if there were no others, I doubt whether we ought to allow the woman to obtain divorce, equally with the man. Besides these reasons, however, there is another and a stronger one, which has been pointed out by Chancellor Kent as the result of his observation in America, and which has been given also by Lord Brougham, as the result of his observations in that country. If, it is said, you allow adultery committed by the man to be a ground of divorce on the application of the woman, you will probably encourage collusion where the parties mutually desire a separation, and in fact, you will enable them to obtain divorces almost at their pleasure. No woman, or barely one, would, because she and her husband could not live happily together, commit adultery in order to obtain a divorce; but I fear there are many men who would not scruple to adopt this method of ridding themselves from the shackles which bind them to one whom they have ceased to care for. Hence by collusion their object might be obtained. These are the reasons which induce me to say that you must draw a distinction, not upon

Scriptural, but upon social grounds, between the offence of the husband and that of the wife. I come now to that part of the Bill which proposes an extension of the means of obtaining divorce to the wife, which she does not possess under the existing law. The wife at present can only obtain a Parliamentary divorce when an enormous crime—such as incest or bigamy has been committed by the husband. In these and like cases divorce has been given by Parliament to the wife. This Bill extends her remedy to two other causes—namely, adultery coupled with wilful desertion or gross cruelty. This seems to me only a reasonable extension to be given to the wife. I know it is said that even this extension is a breaking up of what was well called the blessedness of the family home with all its charities; but the answer is that in such a case the home has nothing of a family character. It is a blighted, deserted, barbarous, and unchaste home. That cannot be called a home where the husband is guilty of brutal barbarity, where the voice of kindness is never heard, or where the woman is left in such a state of solitude that she may be considered as completely in a state of widowhood as if her husband were actually dead. I have therefore no fear of giving on these grounds to a deserted, betrayed, and insulted wife, the reasonable extension of the power of obtaining divorce contained in this Bill. Thus then would I deal with the great objections to this Bill made by two different parties —namely, that it goes too far, and that it does not go far enough. I will now advert to the objections made to it on the part of the clergy. With reference to this subject I am happy to agree entirely with the view taken by my right hon. Friend (Mr. Gladstone). I appeal to the Government to introduce into this Bill a clause which will save a clergyman from the oppression upon his conscience which would be inflicted by the measure as now it is drawn, inasmuch as it would compel him to solemnize a marriage according to rites which in his belief are no longer applicable to the parties who call for it. My hon. and learned Friend said that obedience to the law was the thing to be required. I agree with him, but I go further, and I think I may challenge my learned Friend to concur with me in saying that there is no class of people in this country who are more obedient to the law than the clergy of the Church of England. Therefore it is not against them that an argument of this kind should be addressed, nor should we take advantage of their ready obedience to the law for the purpose of straining their consciences unduly. But if you pass the Bill without a clause protecting the clergy you put them in a position in which no man ought to be put,—viz., that of finding himself bound to violate the law of the land, or to violate what he believes to be the law of God. This is a dilemma which you can avoid, because you can either say that marriage with adulterous parties shall, after the Bill is passed, be entirely a civil contract, or you can introduce a clause under which it might not be compulsory on the clergy to solemnize these marriages, leaving it to those who do not entertain any religious objection to them to solemnize such marriages, if they hold well. There is one illustration on this part of the case which, if the House will permit me, I should like to advert to, and it supports most justly the argument advanced on this branch of the subject by the right hon. Gentleman the Member for the University of Oxford. In the year 1605 there was a clergyman in this country who actually solemnized a marriage between a divorced guilty person and another party. Two years before that the canons of 1603 had been made, and one year before the statute against bigamy had been passed. The canons of 1603 enjoined a prohibitory bond against a subsequent marriage, which implied, according to the opinion of Dr. Hammond, that except for that bond the parties might marry again. The statute against bigamy passed in 1604 contained a proviso implying a recognition by Parliament of the proposition, that the sentence of an Ecclesiastical Court did, in fact, work a dissolution of the marriage bond; for while it declared bigamy to be a felony it also declared that the Act should not extend to any person who was or should at the time of such marriage be divorced under a sentence of an Ecclesiastical Court: and if the sentence of such a court had not worked a dissolution of the marriage bond, it must have been bigamy to have married a woman who had been divorced from her husband while she was still alive. The clergyman to whom I have referred was no ordinary man. He was afterwards a prebendary of the very city in which we are now sitting. He was subsequently Bishop of this Metropolis and subsequently to that again he was Archbishop of Canterbury. As I have already intimated he solemnized a marriage between a divorced guilty party and another person. He thought he might do so, no doubt, in consequence of the statute and canons to which I have referred; but as time passed over him, and as he reflected more upon the subject, his conscience rebuked him, he conceived he was wrong, and there is hardly a circumstance more touching in the whole history of Archbishop Laud, for he was the clergyman to whom I refer, than that of his every year setting apart that day on which he had done that act, which he subsequently thought he was not allowed to do, as a day of penitence and self-humiliation. Nay, more, in the writer, which I have now before me, "Huyler's Life of Archbishop Laud," you will find a prayer which he composed upon the subject, which prayer must, I think, convince any one that the conscience of a clergyman, when it is like the conscience of that excellent man, ought to be respected by any Government, and that such clergymen ought not to be made, in obedience to what you are pleased to call the law of the land, to solemnize marriages which they believe to be contrary to the law of God. I do trust that the Government will take this subject into their serious consideration, and will not throw upon the clergy the grievous oppression which this Bill will inflict upon their consciences. And now, Sir, before I sit down, I wish to make, with the permission of the House, a few observations with reference to the concluding remarks of my hon. Friend the Member for the University of Oxford (Sir W. Heathcote), echoed, as they have been, to a certain extent, by my right hon. friend the Member for the county of Oxford (Mr. Henley). My hon. Friend the Member for the University of Oxford said that there were only three courses to be taken with reference to the measure now proposed. He said, you must remain as you are, or you must go back and declare marriage never to be dissoluble, or you must go forward by making a great and permanent settlement of this question. I will consider these three courses, and show to the House which of them ought, in my opinion, to be adopted. Remember that the main object which this Bill professes to have is simply to point out a new mode in which these divorces are to be obtained, and not the causes for which they are to be granted. If you want any proof of this, you will find it in the preamble of the Bill, which says simply that it is expedient to amend the law relating to divorce, and to constitute a court with exclusive jurisdiction in matters matrimonial, and, in certain cases, to decree a dissolution of marriage. That being the principle of the Bill, the only question we have to determine upon the second reading of the Bill is, not whether a clause should be introduced to protect the clergy, nor whether you are to continue to permit divorce for the same causes as those for which they have been granted heretofore, but whether the tribunal you are proposing to establish is the best tribunal for obtaining the object which you have in view. Now, apply to the measure the three courses which my hon. Friend the Member for the University of Oxford has pointed out. Take the first—that of remaining as we are. What would be the consequence of adopting such a course? Would it not be that you must retain that disgraceful blot upon the jurisprudence of this country—namely, the action for criminal conversation, which attempts to measure a husband's wrongs by such an amount of pecuniary damages as a jury may award—would it not be that you must also retain those proceedings in the Ecclesiastical Court which are now taken upon written evidence, and not upon evidence given in the presence of a jury, when the rights of such a case can alone be well examined, with a power of appeal to the Court of Arches in the first instance, and finally to the Judicial Committee of the Privy Council. Would it not be that you must further retain the palpable anomaly of leaving with Parliament the decision of a most important judicial question? I cannot consent to this. The second course propounded to us is that we should go back to a certain extent, and, declaring marriage to be indissoluble, that we should prohibit divorce in any case whatsoever. I entreat the House to reflect much and long before they arrive at that conclusion. The soundest ethical writers, and the soundest jurists have always held that the absolute indissolubility of the marriage tie will only lead, as it has done in other countries, to a connivance at conjugal infidelity, and to a general laxity of morals. Nor is this unnatural. We cannot but expect that impunity for sin will lead to sin; and unless you put some restraint like that imposed by the law of divorce on human passions, I am afraid there is danger—infinite danger—that the other sex, when they feel that be their conduct ever so bad they will still retain their husband's name and their husband's rank, they may be tempted to commit these offences to a greater extent than when they know that the penalty which hangs over a guilty wife is degradation from her former honourable position. But, more than this, a general indissolubility of marriage would inflict a wrong on the injured husband which you have no right to entail upon him. In the words of Bishop Hall, to which I have already referred, you are imposing "a load on a man's conscience which God hath not burthened;" you are "ensnaring those whom God hath made free." If, then, I cannot acquiesce either in leaving things in their present anomalous state, or in establishing a general and avowed indissolubility of marriage, I have no other course open to me but to endeavour, as best I may, to settle this difficult and delicate question—not as my right hon. Friends would seem to imply, by giving an instalment of change which might be afterwards added to, but by avoiding the dangerous extreme of absolute indissolubility on the one hand, and the still more dangerous extreme of a too easy separation on the other. My belief is that this Bill will effect these objects—that it will tend to check that flood of pollution which must inevitably flow from the connivance at conjugal infidelity—that it will accomplish the great ends of all laws of marriage, namely, to protect the wife from the inconstancy of her husband, and the children from the inconstancy of their parents. I would not be thought insensible to the admirable reasoning, the beautiful diction, the glowing, the heartfelt eloquence of my right hon. Friend the Member for the University of Oxford, which must have entranced all who listened to him; neither am I indifferent to the consequences of any step which might diminish, even by a hair's breadth, the sanctity of the marriage bond. But I accept this measure because I believe it will settle this most important and difficult question on a better foundation than that on which it now rests. I accept it because I believe its principle to be authorised by our holy religion, sanctioned by experience, and in the strictest conformity alike with sound morals and the highest policy. I accept it, above all, because I believe it will tend to uphold the sacredness of the marriage tie, to discourage the inducements to that sin, which of all other is the worst for the moral purity of society, and to preserve to us that blessed security and peace which now constitute—as God grant they may ever constitute—the charm, the happiness, and the unspeakable blessing which now surrounds an English home.

MR. NAPIER said, he wished to draw the attention of the House to a very few points connected with the question before them. His right hon. Friend (Mr. Walpole) had pointed out the distinction beween Scriptural permission and social allowance in regard to divorce; and it was very essential in such a discussion to keep in view the difference between the religious and the civil aspects of marriage. No doubt, in its religious aspect, marriage was an indissoluble contract; but statesmen had to deal with the question when to grant or withhold human sanction. The cardinal blemish in this Bill, however, which his right hon. Friend had done nothing to vindicate, was the provision it contained for the remarriage of the adulterer and adultress. This provision involved a total alteration of the law of this country as at present administered; and whether they looked to the practice in Scotland, in Holland, in France, or in the United States, they would not find that the guilty party, by reason of his or her sinful act, acquired the privilege of contracting another Christian marriage. They had been told that Archbishop Laud, having solemnized the remarriage of a divorced person, on subsequent reflection became convinced that he had done an unholy and unlawful act. Yet this measure called on them to make such unions not only legal but Christian marriages. This was not merely changing the whole of our law, but going in the very teeth of the Divine law. He had listened in vain to the powerful statement of the hon. and learned Attorney General for any defence of this proposal. His right hon. Friend, indeed, said, "If Scripture be silent on this point, the question becomes one of human policy." But was Scripture really silent upon it? Bishop Hall had certainly been quoted, but the passage in question was exclusively confined to the right of the innocent party. The authority of no eminent divine of our Church had been adduced to show that the remarriage of the guilty was allowable. Whatever might be the other merits of any measure which gave a religious sanction to the marriage of persons who had been convicted of adultery, he would say, "Perish any such measure rather than the Legislature should lend its sanction to so obnoxious a provision." He agreed with the right hon. Gentleman (Sir G. Grey) that hon. Members were bound to apply their own minds to this matter, and he, for one, preferred the simple light of plain Scripture to all the opinions of divines. He remembered the powerful argument of his right hon. Friend (Mr. Walpole) upon the question of the marriage of a deceased wife's sister. His right hon. Friend then, adopting the words of Bishop Butler, said, "Wherever a doubtful question arises on the Divine law, give the doubt to God." Was his right hon. Friend's mind now so clear of all doubt that he could give his sanction to the principle involved in this Bill, and say, that if a woman married her adulterer during the life of her husband, the guilty parties were as fully married as if the first marriage had been dissolved by death? Such a position was opposed to the universal voice of the Reformed Church. The present Archbishop of Canterbury—a man of so much meekness, of wisdom, experience, and moderation, that his opinion was entitled to the highest respect on this subject—said, during the debate in the other House, that he could neither reconcile it to reason nor to the Divine command to allow the marriage of the guilty parties during the life of the innocent husband or wife. In that opinion the Archbishop was supported by the whole of the Bishops, with one exception, by the late Speaker of the House of Commons, the Earl of Shaftesbury, and other lay peers of eminence. A great Nonconformist preacher, Richard Baxter, had enforced the same view. He had not heard a single authority in favour of such a permission. This question was debated in the House of Lords in 1800, on the Bill of Lord Auckland; and Bishop Horsley then maintained that the guilty parties ought not to be allowed to marry. The Bill passed the House of Lords with that provision, and also a provision making adultery a crime punishable by imprisonment; and the Bill in that form was supported in the Commons by Mr. Wilberforce, Mr. Romilly, and other eminent men. All this went to prove that it was never before contemplated to allow the marriage of the guilty parties. For himself he (Mr. Napier) had no objection whatever to the remarriage of the injured and unoffending party; but he would urge upon the House, when dealing with the religious part of the contract, that they had no right to stir one step beyond the point where they felt themselves safe upon Holy Scripture. To that length they were perfectly safe; but when they proceeded further, and said that the guilty party might, during the life of the wife or husband, intermarry with the partner of his or her guilt, see what confusion, what inconsistency, and running against the whole amount of authority and spirit of the divine text of Scripture they involved themselves in. The clergy held that such marriages ought not to be allowed; and he regretted that his right hon. Friend the Member for the University of Cambridge should separate himself upon this question from those who, in other respects, he so honourably represented, and should give his sanction to a proposition unknown to the law of England. [Mr. WALPOLE intimated dissent.] Where, then, was the law to be found? In what statute or code could it be traced? Acts of Parliament granting divorces originated in the desire of peers, whose wives had been unfaithful, to obtain the opportunity of marrying again, and perpetuating their honours; but the private Acts by which such divorces were decreed were no part of the law of the land. They merely dissolved marriage, and enabled the husband, the injured party, to marry again. The right hon. Baronet (Sir G. Grey) had said that, unless the House assented to this Bill, they would not discharge their duty to God if they did not reject all private Divorce Bills in future; but he (Mr. Napier) thought there was a material difference between this measure and Bills which enabled unoffending persons to marry again, while they gave no such permission to the guilty parties; and he would ask whether the right hon. Gentleman would consent that the analogous clause in this Bill be struck out? If this Bill were adopted in its present form, a clergyman who had married a woman, and made during the ceremony the declaration contained in one of the prayers in the office for the solemnization of matrimony, that it should never be lawful to put asunder those whom matrimony had made one, might, after that woman had committed adultery and been divorced, be called upon to marry her again, and to repeat the solemn declaration. The clergy would then, in his opinion, be subjected to a most intolerable tyranny; and he thought a clergyman ought rather to strip off his gown, and resign his living, than be the instrument of prostituting the holy service of the Church by converting an adultress into a bride. He thought one great defect of this Bill was, that it did not make adultery a crime. Under its provisions adultery could merely be punished by a fine;

and it would, consequently, be regarded out of doors as a gentleman-like and aristocratic offence. The proper solution of the question would be to make adultery a misdemeanour, punishable at the suit of the injured party. This would be consonant with the law of Scripture, while the punishment of adultery by imprisonment would tend to repress the crime and to prevent collusion. The Attorney General had contended for a distinction between the man and the woman with respect to divorce; but he (Mr. Napier) did not understand how, consistently with the principle of common sense, the Legislature could refuse to the wife the remedy granted to the husband. The Bill, however, was intended only for the husband, although both Lord Stowell and Dr. Lushington had expressed very strong opinions in favour of both parties. There was, then, no help for the woman; and further, as the Bill would abolish civil actions for adultery, and did not make adultery an indictable offence, Roman Catholics, and those who held the indissolubility of marriage, would be deprived of any remedy whatever.

THE ATTORNEY GENERAL was understood to say, in reply, that the matter had been discussed on Scriptural grounds, on grounds of morality, and on the ground of affording relief to tender consciences. The hon. Member for West Surrey (Mr. Drummond) had, singularly enough, drawn his arguments against the Bill from the Old Testament, and challenged the House to point to a single passage from the beginning of Genesis to the end of Malachi, which countenanced the dissolubility of marriage. But he (the Attorney General) thought there were many instances of adultery followed by marriage to be drawn from that source. There was certainly a remarkable one of adultery and murder combined, followed by the marriage of the parties. His right hon. Friend the Member for the University of Oxford, who, like Aaron's rod, swallowed up all the rest of his (the Attorney General's) opponents, had transcended himself on this occasion. His right hon. Friend had come down to the House impressed with the high religious duty of opposing the Bill, on the grounds that it was anti-scriptural, pregnant with the most imminent danger to the highest moral interests of the community, and an instrument which would rend the Church of England in twain. And yet, notwithstanding, the right hon. Gentleman must vote for the Bill, or he must not vote at all. None that respected the right hon. Gentleman—and no one respected him more than he (the Attorney General)—could permit him to vote in conformity with his speech. Had the right hon. Gentleman no scruples, in 1854, as to the injury likely to accrue to the morals of the community, and was he indifferent to the interests of the Church of England in that year? There was a saying, "O, that mine enemy had written a book." He (the Attorney General) might have wished that his antagonist had been a Cabinet Minister. Was not the duty of a Cabinet Minister plainly this, to be no party to any measure that was opposed to religious obligations, the duties of morality, or the interests of the Church of England? And yet, this very Bill now before the House, was a measure of the Cabinet of 1854, of which his right hon. Friend was a distinguished Member. Surely, his right hon. Friend could not have it said that he was such a creature of impulse that the opinions, sentiments, and principles of conduct adopted by him in 1854 were forgotten in 1857. And what reason had his right hon. Friend given for his conversion? Why, a treatise which he produced, and which turned out to be written by some obscure proctor in an Ecclesiastical Court in Ireland ["No, no!"], no doubt a Roman Catholic proctor, and published at Dublin.

MR. GLADSTONE said, the book was written in London; but the copy from which he quoted was published in Dublin seventy years afterwards.

THE ATTORNEY GENERAL resumed: He said, however that might be, his right hon. Friend was, in 1857, the eloquent denunciator of a measure framed by the very Cabinet of which he was a member in 1854—

"Who would not laugh if such a man there be;
Who would not weep"?—

He would not finish the quotation. His right hon. Friend, however, had touched, in one respect, on dangerous ground, and was admirably answered by his (the Attorney General's) right hon. Friend the Member for the University of Cambridge (Mr. Walpole) who reminded him of the language of the canons of 1603, which clearly and distinctly embodied the principle that there might be a divorce *a vinculo*. It was, therefore, correct to tell the House, as he (the Attorney General) had ventured to do, that the Reformers of England were uniform in their opinion on the subject, and that opinion was echoed by the general impression entertained by the reformed Churches throughout Europe. One word as to the Scriptural argument. He was exceedingly happy to find the hon. and learned Member for Dundalk (Mr. Bowyer), followed by others, accept readily the interpretation which he (the Attorney General) ventured to take of the disputed passages. What was the consequence of that interpretation? The moment they admitted that, in the passage of St. Matthew, the Saviour was excepting the case of adultery, as being provided for by the Jewish law, the practical result was this, that the divorces spoken of were divorces prohibited and condemned as divorces proceeding on grounds wholly independent of the ground of adultery. There was, in point of fact, no injunction contained in the Scriptures that divorce should take place upon the ground of adultery; but there was, at the same time, to be found in them no prohibition of any description of divorce except such as was founded upon grounds wholly exclusive of those in which adultery was involved. That was the real position in which the Scriptural argument stood, and he might, perhaps, before leaving that point, be allowed to protest against the course which had been adopted by his right hon. Friend, in seeking to reduce the Scriptures, as it were, down to a *minimum.* The Bible of the early Church was not, as at the present day, bound in calf or morocco, but consisted of different gospels, which were published and circulated in different countries; and if they were to strike out of any one of those gospels a passage which did not happen to be found in another, the consequence would be that the most important doctrines would be brought into peril. His right hon. friend had also stated that he (the Attorney General) had misquoted the passage taken from the *Quarterly Review*, to which he had referred upon a previous occasion, and had put upon that passage an interpretation which the writer had not put upon it. [Mr. GLADSTONE: No, no!] Surely his right hon. Friend had been a little too precipitate in finding fault with his knowledge of the author's meaning, for he found that in explaining that single word πορνεία which had been so much tortured, the writer had put upon it a construction different from almost every one else, stating its true interpretation to be "apostasy or idolatry." He could not, therefore, understand how his right hon. Friend could accuse him of having put an erroneous interpretation upon the passage in question. But, to revert to the point which was more immediately the subject for their consideration, he should ask the House if they were that evening prepared to adopt the principle of the indissolubility of the marriage tie, and thereby to declare that no step should be taken to meet the wishes and the requirements of the community at large? Were they disposed to take that course, or to give "a local habitation and a name" to that principle which had, up to the present time, been acted upon and approved by the country; which was in conformity with the Scriptures, and in accordance with the true interests of society? Did hon. Members believe it to be desirable that two persons, in whose case the crime of adultery rendered the one loathsome to the other, should be bound to one another for life, or permitted to enjoy only such a state of separation as would prevent either from again entering upon the marriage contract? He felt assured that the House would hesitate long before they came to a conclusion such as that. As to the difficulty which was raised in the case of the clergy, that was a question which could be more properly dealt with in committee than upon the second reading of the Bill, and if the House felt satisfied that, in passing the measure into a law, they were doing that which was calculated to confer a benefit upon the community at large, he saw no reason why one particular class should be exempted from the obligations which that law involved. In conclusion, he had only to express a hope that the House would assent to substitute a convenient, expeditious, and economical tribunal, in cases of divorce, for that mockery in our system of judicial procedure which at present existed.

Question put.

The House *divided*:—Ayes 208; Noes 97: Majority 111.

List of the AYES.

Adeane, H. J.
Anderson, Sir J.
Antrobus, E.
Archdall, Capt. M.
Ashley, Lord
Ayrton, A. S.
Baines, rt. hon. M. T.
Baring, T. G.
Barnard, T.
Baxter, W. E.
Beale, S.
Berkeley, hon. H. E. F.
Berkeley, F. W. F.
Bethell, Sir R.
Biggs, J.
Black, A.
Bonham-Carter, J.
Bouverie, rt. hn. E. P.
Bouverie, hon. P. P.
Bovill, W.
Brand, hon. H.
Briscoe, J. I.
Brocklehurst, J.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.

Buckley, Gen.
Buller, J. W.
Butler, C. S.
Butt, I.
Buxton, C.
Buxton, Sir E.
Byng, hon. G.
Calcraft, J. H.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cheetham, J.
Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clive, G.
Codrington, Gen.
Colebrooke, Sir T. E.
Colvile, C. R.
Coningham, W.
Cowper, rt. hon. W. F.
Cotterell, Sir H. G.
Craufurd, E. H. J.
Crawford, R. W.
Dashwood, Sir G. H.
Davie, Sir R. H. F.
Denison, hon. W. H. F.
Dering, Sir E.
Dillwyn, L. L.
Duncan, Visct.
Ebrington, Visct.
Evans, T. W.
Ewart, W.
Farquhar, Sir M.
Ferguson, Sir R.
FitzRoy, rt. hon. H.
Foley, J. H.
Foley, H. J. W.
Forster, C.
Fortescue, hon. F. D.
Fortescue, C. S.
Freestun, Col.
Gaskell, J. M.
Gifford, Earl of
Glyn, G. G.
Goddard, A. L.
Goderich, Visct.
Gordon, L. D.
Greer, S. M'C.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Grosvenor, Earl
Gurney, S.
Hackblock, W.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, J. H.
Hanbury, R.
Hankey, T.
Hardcastle, J. A.
Harris, J. D.
Hay, Lord J.
Headlam, T. E.
Heathcote, hon. G. H.
Heneage, G. F.
Henniker, Lord
Herbert, rt. hon. H. A.
Hodgson, K. D.
Holland, E.
Hudson, G.
Hume, W. F.
Ingham, R.
Ingram, H.
Jermyn, Earl
Jervoise, Sir J. C.
Keating, Sir H. S.
Kendall, N.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langton, J. H.
Langton, H. G.
Legh, G. C.
Lennox, Lord H. G.
Lewis, rt. hon. Sir G. C.
Locke, Jno.
Lowe, rt. hon. R.
Luce, T.
Mackinnon, W. A.
Mangles, R. D.
Mangles, C. E.
Marjoribanks, D. C.
Martin, C. W.
Massey, W. N.
Matheson, A.
Melgund, Visct.
Miles, W.
Mills, T.
Mitchell, T. A.
Moncrieff, rt. hon. J.
Morgan, O.
Morris, D.
Mostyn, hn. T. E. M. L.
Napier, Sir C.
Nicoll, D.
Nisbet, R. P.
Noel, hon. G. J.
Norreys, Sir D. J.
Norris, J. T.
North, F.
Ogilvy, Sir J.
Osborne, R.
Paget, Lord A.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palmerston, Visct.
Patten, Col. W.
Paull, H.
Paxton, Sir J.
Pechell, Sir G. B.
Philips, R. N.
Pigott, F.
Platt, J.
Powell, F. S.
Pritchard, J.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rebow, J. G.
Ricardo, O.
Ridley, G.
Roebuck, J. A.
Russell, H.
Russell, Sir W.
Rust, J.
Schneider, H. W.
Scholefield, W.
Seymour, H. D.
Smith, J. B.
Smith, rt. hon. R. V.
Smith, A.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stapleton, J.
Stephenson, R.
Stuart, Lord J.
Stuart, Col.
Sykes, Col. W. H.
Tempest, Lord A. V.
Thessiger, Sir F.
Thompson, Gen.
Thornely, T.
Tite, W.
Trelawny, Sir J. S.
Trueman, C.
Turner, J. A.
Villiers, rt. hon. C. P.
Walpole, rt. hon. S. H.
Walter, J.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Williams, W.
Williams, Sir W. F.
Wilson, J.
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Woodd, B. T.
Worsley, Lord
Wyld, J.
Windham, Gen.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Adams, W. H.
Adderley, C. B.
Bernard, T. T.
Beach, W. W. B.
Beecroft, G. S.
Bowyer, G.
Bridges, Sir B. W.
Buller, Sir J. Y.
Burghley, Lord
Cairns, H. M'C.
Carden, Sir R. W.
Christy, S.
Cobbett, J. M.
Cole, hon. H. A.
Collins, T.
Copeland, W. T.
Cross, R. A.
Damer, L. D.
De Vere, S. E.
Disraeli, rt. hon. B.
Dod, J. W.
Du Cane, C.
Egerton, W. T.
Elmley, Visct.
Esmonde, J.
Estcourt, T. H. S.
Farnham, E. B.
Foster, W. O.
Gard, R. S.
Garnett, W. J.
Gladstone, rt. hon. W.
Greville, Col. F.
Hamilton, Lord C.
Hamilton, G. A.
Hatchell, J.
Henley, rt. hon. J. W.
Hildyard, R. C.
Holford, R. S.
Hope, A. J. B. B.
Hopwood, J. T.
Horsfall, T. B.
Howard, Lord E.
Ingestre, Viscount
Johnstone, hon. H. B.
Kelly, Sir F.
King, J. K.
Knox, Col.
Langton, W. G.
Laurie, J.
Levinge, Sir R.
Liddell, hon. H. G.
Lovaine, Lord
Lowther, hon. Col.
Macarthy, A.
M'Cann, J.
Maguire, J. F.
Malins, R.
Manners, Lord J.
Martin, J.
Miller, S. B.
Mills, A.
Monsell, rt. hon. W.
Mowbray, J. R.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
North, Col.
O'Brien, P.
O'Connell, Capt. D.
O'Donaghoe, The
Packe, C. W.
Palmer, R.
Pevensey, Visct.
Pilkington, J.
Roupell, W.
Sandon, Visct.
Scott, hon. F.
Smyth, Col.
Spooner, R.
Stafford, A.
Steuart, A.
Taylor, Col.
Tomline, G.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vansittart, W.
Waddington, H. S.
Walcott, Admiral
Waldron, L.
Walsh, Sir J.
Warren, S.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Wyndham, H.
Wynne, W. W. E.

TELLERS.

Heathcote, Sir W.
Lygon, hon. F.

Main Question put and *agreed to:*—Bill read 2°, and *committed* for *Tuesday* next.

MUTINY IN INDIA.—QUESTION.

MR. SPOONER: Sir, I wish to ask the noble Lord at the head of the Government whether he can inform the House if the Government have received any despatches from India, and if so, what is the nature of them?

VISCOUNT PALMERSTON: Sir, the despatches that have been received are gone to the India House, and I have not yet seen them; but I may state that my right hon. Friend (Mr. Vernon Smith) has received private letters from Calcutta, Bombay, and Madras, the general complexion of which is, that they give precisely the same information as that already announced through the telegraphic despatch. No fresh events of importance are detailed.

MR. P. O'BRIEN: May I ask whether the Government have received any confirmation of the report that Delhi has been taken?

VISCOUNT PALMERSTON: As I have stated, the despatches give no further information than that supplied by the telegraph, and I learn from that source that Delhi has not been taken.

House then adjourned, at a quarter after Two o'clock, till Monday next.

HOUSE OF LORDS,

Monday, August 3, 1857.

MINUTES.] A CONFERENCE.—Conference with the Commons. Galway Town Election.—Address to Her Majesty.

PUBLIC BILLS.—1ª Militia; County Court Judges (Falconer and Yates's Salaries); Reformatory Schools (Scotland).

2ª Land Tax Commissioners' Names.

3ª Boundaries of Land (Ireland).

GALWAY TOWN ELECTION.

ADDRESS.—CONFERENCE.

Conference had, at the desire of the Commons, upon the subject matter of an Address to be presented to Her Majesty, under the provisions of the Act 15 & 16 *Vict.*, cap. 57; and Report made that the Commons had agreed to an Address [which was offered], to be presented to Her Majesty, to which they desire the concurrence of their Lordships.

Afterwards, message to the Commons for minutes of evidence taken before the Select Committee of the House of Commons on the Galway Town Election Petition, together with the proceedings of the Committee.

MILITIA BILL.

BILL PRESENTED.—FIRST READING.

LORD PANMURE: My Lords, I rise to present a Bill to enable Her Majesty's Government to embody the militia between this and the 25th of March, without calling Parliament together on that embodiment taking place. It would not have been necessary to bring forward such a measure if it had not been that the law requires that on the occasion of the embodiment of the militia Parliament, if not sitting, should be summoned to meet within a period of fourteen days. In the present state of affairs it does not appear to Her Majesty's Government that it would be desirable to compel Parliament to meet during the time of the usual recess. They have it always in their power to call Parliament together if the necessity for such a measure should arise; and if it were proposed to embody the militia in consequence of a war with a foreign country, it would be absolutely necessary that they should appeal to Parliament upon the subject. An impression seems to prevail that the Government require a special power to enable them to embody the militia; but they require no such power provided they are prepared to meet Parliament within a certain time after the embodiment has taken place. I shall now proceed to state the circumstances under which Her Majesty's Government introduces this Bill. Your Lordships are well aware that previously to the year 1854 the militia of this country could only be embodied in the expectation of an insurrection or of a foreign invasion of this country. But in the year 1854 Parliament passed a Bill enabling the Government to embody the militia in the event of a war with a foreign country. Neither of those exigencies exists at the present moment; but a state of things does exist in our Eastern possessions which causes as great a drain on the Queen's forces in this country as if we were at this time carrying on a foreign war. Under these circumstances it has become necessary to supply the vacuum created here by the demand which has arisen in India for regiments of the line. In order to meet that drain Her Majesty's Government have determined, in the first place, to raise ten new battalions, to supply the place of those which have already left our shores, and to increase the battalions of regiments at home from 840 rank and file to 1000 rank and file, and the battalions in India from 1000 to 1200 rank and file. All this can be done without going beyond the powers of the present Mutiny Act, or the Votes to which Parliament has already agreed. I dare say your Lordships are aware that the charge for the regiments going out to India falls on the Indian revenue, and not on the revenue of this country. But it will take time—and more especially at this season of the year—to raise these new battalions, and to collect these additional men; and during a period when the country must be, to a certain extent, drained of its troops, while garrison duty must be performed, and the national establishments must be maintained in the face of foreign nations, it may be necessary to call out and embody certain regiments of militia, from which, I am quite prepared to contend that it will be no exaggeration to state that we may expect the same good service which would be rendered by a similar number of regiments of the line. It is unnecessary for me to recall to your Lordships' recollection the services which the country has already received from various militia regiments at home and abroad; and I am quite certain that we might now embody militia regiments which would perform the garrison duty and other duties of the country quite as efficiently as the regiments of the line, and which would be perfectly prepared to take their place in case of any national emergency. I do not wish your Lordships should understand that it will as a matter of course be absolutely necessary that we should exercise the powers to be given by this Bill: but if we should think that necessity shall have arisen we shall be prepared to avail ourselves of those powers; and my noble Friend at the head of the Government has this night presented to the House of Commons an estimate for £200,000 to meet the expense that may be incurred in embodying any militia regiments between this time and the 25th of March next. With these observations I beg leave to introduce the Bill, to which I am sure your Lordships will have no hesitation in giving your assent.

Bill to authorize the Embodying of the Militia *presented.*

The Earl of HARDWICKE: I wish to say a very few words upon this occasion, because I think that the Government have again exhibited that remarkable faculty of being a little late in their announcements with respect to warlike operations, which we on this side of the House have so frequently felt ourselves called upon to criticise. Precisely the same thing took place throughout the last war; they were always a little too late. Of course, we judge very much of the energy of the Government by the promptitude which they display in carrying out operations of magnitude and importance; and it will, no doubt, be remembered that immediately upon the arrival of the first disastrous news from India, we, who sit upon the Opposition side of the House recommended that the militia should be embodied, and that all the disposable troops at our command should be sent to India. But it was said, "Oh, no. This is a matter of small importance; we want nothing of the sort;" but it was a very remarkable fact that the very day after that occurrence I received a circular letter from the Secretary at War, stating that the militia would not be wanted for drill or exercise during the present year. I must say, then, that if we are to judge of your foresight and knowledge and power to wield the arms of this country, from what has already occurred we have a right to say that you are tardy in your operations, that you rejected altogether advice in the first instance which we were beforehand with you in recommending, and that you have been compelled to act at last, as you ought to have done at first, with an amount of vigour and energy which a crisis unparalleled in the history of the country appears to me to call for. I venture to make these remarks in vindication of what has been said upon this side of the House, and of the prompt and energetic measures which we, from the commencement, thought it to be our duty to urge upon you.

Earl GRANVILLE: No doubt, my Lords, the noble Earl who has just sat down has a perfect right to criticise the measures of the Government, and no doubt also it is much easier to criticise than to act. At the same time, I do not think that the Government are open in the slightest degree to the attack which has been made upon them by the noble Earl. The suggestion which was made on the other side of the House upon the receipt of the first news from India was that the militia should be immediately embodied; but I still adhere to the opinion that that would have been bad advice to have adopted in the middle of the hay harvest, and of course before the beginning of the corn harvest. There would have been great difficulty experienced in embodying the militia at that time; it would have taken men away from most useful and profitable employments, and it would have given an unpopular character to the proceeding, which it was most desirable to avoid. The Government never stated that they would not embody the militia if they should consider the step necessary, but they reserved to themselves the power of judging of the importance of the news as it arrived, and of devising such measures from time to time as they might deem essential. I can see no disadvantage which has resulted from the delay which has taken place in proposing this measure, but I can see great advantage in having taken our own time to mature our plans instead of acting suddenly upon the advice of any noble Lord who jumps up on the spur of the moment, and who offers suggestions without having the responsibility of carrying them into execution.

THE EARL OF DERBY: My noble Friend does not complain that Her Majesty's Government did not follow any particular advice, by calling out the militia in the month of July. But what he stated—and what I think he was justified in stating—is, that Her Majesty's Government arrived very lately at a conclusion very different from that at which they had arrived a short time before, although there had in the meantime been no apparent change in the circumstances with which they had to deal. If I am not much mistaken, there was adopted at the end of June an Order in Council for the purpose of informing all Lords Lieutenants of Counties that the militia would not be called out in the course of the present year; and that Order, which was passed in June, was not made public until late in July, at which period circumstances had taken such a turn that it became manifest to nearly every person in the kingdom, except the Members of Her Majesty's Government, that there existed a great probability that a most urgent necessity would arise in the course of the year for calling out the militia. But now, at the last moment, the Government, after having given that public intimation to the Lords Lieutenant of Counties and to all other parties concerned, that their services would not be required in the course of the year, find themselves compelled to adopt the course they had not before the energy or the prudence to pursue, by taking to themselves the power of embodying the militia during the present year; and it is only reasonable to suppose that the services of the force will be required during the year, as the Government themselves have this evening submitted to the House of Commons an estimate of the expense, which would be incurred by such a measure. I do not complain of the course they have taken; I only think that they should have seen somewhat sooner the necessity of adopting it, and that they have very suddenly changed their views upon the subject.

LORD PANMURE: The noble Earl has altogether misapprehended the object of the present Bill. But let me observe, in the first place, that the Government have not changed any views which they ever had on the subject; and in the second place, that this Bill does not in the slightest degree counteract or interfere with the Order in Council to which he has referred. It was the opinion of the Government, and it is still their opinion, that those regiments of militia which were only disembodied last year were sufficiently well trained not to require additional training this year, and in consequence they dispensed with further training in the case of those regiments, but they propose to call out for training all regiments not embodied last year. The Bill which I have presented to the House this evening does not at all refer to the present time. It is simply intended to give power to the Government to do that when Parliament is not sitting which they have full power to do at this moment. It does not provide that they shall call out the militia; but, contemplating that the time may come when that may be necessary, it is to meet such an emergency, and to save the necessity of Parliament meeting again within a fortnight, if, after the prorogation, the militia were to be called out. It is merely to give to the Government the power of doing that after Parliament rises which they could do now that Parliament is sitting. I think that the Government might be permitted to take steps for enabling them to embody the militia when Parliament is not sitting, if they should see fit, without being exposed to the charge that all their measures are taken after the proper time.

THE EARL OF DERBY: I am quite aware that the object of the Bill is to enable the Government to do that which a fortnight ago they stated that they had no intention of doing.

LORD PANMURE: No; that is not so.

Bill read 1ª.

PARLIAMENTARY REFORM.

RETURN MOVED FOR.

LORD BROUGHAM:* My Lords, In rising to move for the Returns connected with the Elective franchise, and the notice respecting which has announced my intention of entering upon the subject of our Parliamentary Constitution, I must set out with the admission that I am discharging what I deem to be a duty incumbent upon me at a considerable personal sacrifice; for the great honour of addressing your Lordships is purchased at the expense both of much fatigue in a sultry season, after a somewhat laborious though not very long Session, and of much correspondence during the vacation with able, well informed, but zealous advocates of further change, and others of equal merit, as conscientiously opposed to any alteration of the system established five-and-twenty years ago. The share, however, which I had in that great measure imperatively calls for a statement of circumstances connected with it, which to many of your Lordships may not be known, by some may be forgotten, and which are suggestive of lessons and of warnings to guide the course of those who have undertaken to bring forward a plan next Session. The Government has announced this intention, and therefore a measure must be produced. They are to prepare it during the leisure of the recess; and therefore, entirely trusting the capacity and the honesty of my noble friends, I cannot doubt that they will apply themselves ably and conscientiously to the task they have undertaken. Beside my two noble Friends now absent, Lord Ripon and Lord Glenelg, I alone in this House remain of the authors of the Act of 1832, except my noble Friend opposite who is a Member of the Government (Lord Lansdowne). Lord Ripon's health has prevented his attendance during the Session; but I had hoped to have the advantage of Lord Glenelg's presence, whose great talents, extraordinary accomplishments, and strict integrity would have made me most happy in appealing to him upon the present occasion. The reception your Lordships have given to this remark shows that I do not give an exaggerated estimate of his merits; but I must add that I have had no opportunity of conferring with him upon the subject, any more than I have had with my noble Friends opposite. In approaching this important subject, I must begin with the observation that they are equally in error who expect no excitement as likely to prevail in the country upon the question of Reform, and they who expect that it will at all resemble the excitements of 1831. I well recollect when taunted at that time with the apathy which was supposed to have been shown at the General Election of the preceding autumn, I was asked if in my canvass of Yorkshire there had ever been the least allusion made to Reform. Slavery, it was said, had been constantly mentioned, and the late revolution at Paris, but of Reform not a word, although in Yorkshire, ever since the times of Sir George Saville and Mr. Wyvill, that was there a kind of local question. I felt bound to acknowledge that there was some foundation for this statement; as certainly little had been said of Reform. But how grievously mistaken were those who from thence concluded that the question was dead! No sooner had I given my notice of bringing it forward, which was on the very first night of the Session, than all Yorkshire, and soon afterwards all England, became so wrapt up in the subject, that nothing else for months was thought of. Now this was not owing to my notice, but mainly because, on the change of Government, the Ministers announced that they had taken up the subject, and were preparing their Bill. We must not, therefore, suppose that the subject will excite no interest now, merely because of late we have heard little about it. But it is said that the like announcement now will produce the same effect, and that the feeling in the country will soon be as great and as intense as it was in 1831. I gravely doubt it. The excitement at that crisis was owing to the demand for Reform occasioned by its long postponement; the pertinacious refusal to entertain the question; the Duke of Wellington's declaration, perhaps the only mistake he ever committed, that our parliamentary constitution was perfect, and had he to form a new system, he could only found it upon the same principles; the hopeless prospect thus held out of the great towns being excluded from all representation, of nomination, or, as they were termed, rotten boroughs, being maintained in the existing number; of all the abuses incident to elections in other boroughs more corrupt far with the other evils of the system being continued, produced naturally enough the determination to prevent such glaring defects, such gross abuses being perpetuated. Grievances so enormous, so intolerable could no longer be endured, and the country was bent upon a large remedial measure. The case is entirely different now; and therefore, while I am far from asserting that Lord Palmerston's announcement will produce no effect in rousing a spirit of reform, I entirely deny that it can create anything like the feeling which prevailed in 1831, for the same grievances do no longer exist, thanks to the Bill of that year. That considerable defects may be justly imputed to it I am far from denying, as far as I am from admitting that it was a measure subversive of our institutions—what some able, eminent, and worthy friends of mine have called a revolutionary measure. Whatever imperfections may be found in some of its parts, my defence of it as a whole, I will not say the only defence, but one quite decisive for its acquittal, rests in a word—in a date. the 10th of April, 1848. Had not the Reform Bill passed, that day would assuredly not have passed over our heads in the peaceful, quiet, even tranquil manner, on which all men, whatever may be their opinions upon the merits of the measure, can look back with unmingled satisfaction. But if I differ with those who, in such exaggerated phrases, denounce it as perilous, I can still less agree with those who describe our plan as ineffectual to its purpose; a mock Reform, as some over zealous advocates of change have called all moderate Reforms, using, as Major Cartwright was wont to do, the words moderate and mock as synonymous terms. I have the most absolute certainty the number of such objectors was exceedingly limited, at least among the known and tried friends of Reform; I know that they, generally speaking, were more than satisfied with its extent. To mention names would be invidious; but I assert that some whose devotion to the question had been the longest and the most implicit, who held the highest rank among Parliamentary Reformers, and had the greatest authority with them, only questioned whether it did not go rather too far in the democratic direction. That the measure was faultless no one could affirm; but that it was fitted to remedy safely and surely the evils complained of, and that it effected great improvements in our system, cannot be denied.

Some indeed who admit this, who allow that the measure was by these improvements deserving of approbation, have had doubts respecting the quality of the fabric which it produces—the goods as it were, which it turns out—they look to the Parliament which it furnishes, and do not find that the excellence of the article thus manufactured is equal to that of the mechanism applied to the process. I have no doubt these objectors are in error; and that the results of its working—the value of the workmanship—is entirely to be commended. It may, however, be capable of improvement; and if important defects which must be confessed to exist in the machine are removed, it will work better and more profitably. The House of Commons, as at present constituted, no doubt deserves the confidence of the country; but as certainly its composition is capable of improvement, and so is the course of its procedure, by amending in some particulars, yet without anything like a sweeping change, the provisions of the measure adopted in 1832. Possibly were I to determine the best course to take in the proposed Bill, I should be for confining it within some such limits as curing the manifest defects of that measure, and giving the extension in two material particulars, which I shall afterwards mention, and which may, with perfect safety and great advantage, be so altered. But, at all events, the defects must be cured, whatever else is done. These are not numerous, but they are important; and what I regard as chiefly claiming our attention might have been removed when the second reading of the Bill was debated in this House. I then, referring to the Duke's very pertinent question, how is the King's government to be carried on after the change shall take place? I admitted that some facilities might be desirable; and, in arguing the principles of the measure against him and Lord Harrowby, who had made the ablest speech on that side, I pledged myself that if the second reading were agreed to, some additions should be considered in the Committee with a view to meet the difficulty which had weighed on the mind of the Duke. I conceived that I saw my way to a solution; and though of course I could not pledge my colleagues to the method I contemplated, I could answer for it being fully considered, as well as another difficulty, arising from the uniformity of the ten pound franchise, the great variety in the rent of houses seeming to require that it should be different in different towns. But the very practical objection raised by the Duke appeared likely to be removed by two improvements upon the Bill, applicable to the two principle evils, the gravity of which cannot be denied, and of which the bad effects are still experienced in the exclusion from Parliament of persons whose presence is most desirable, and, indeed, their exclusion also from office. Certain important offices can only be held by members of the House of Commons. But even if a person has obtained a seat, he may lose it by taking or by changing a place, and he may lose it from no fault of his own. A Chancellor of the Exchequer by proposing a tax necessary for the public service, nay required to support the public credit; an Attorney General, by performing his duty in prosecuting frauds upon the revenue, or parties guilty of sedition, may be thrown out by a popular outcry; or may, by the local changes incident to elections, lose their seats. This happened soon after the Act passed in 1832. The Solicitor General having been promoted had to be re-elected; he failed; and the whole measures for the improvement of our Jurisprudence were stopped during an entire Session, because the first law officer of the Crown was not in Parliament. No seat could be found for him until the Member for Edinburgh being raised to the Bench, occasioned a vacancy during the recess, and the Attorney General returned to Parliament. Now two modes of remedying this serious practical evil at once suggested themselves—giving official seats in the other House without votes, and enabling members to take office without being re-elected. On both these proposals I had a good deal of discussion with Lord Grey and Lord Althorp. To the second they saw no objection whatever, and considered that the only alternative which could be urged was the confining it to a change of the member's office, so as to require his vacating only upon his first appointment; but upon this neither of my noble Friends held any decided opinion, or saw any material objection to the plan proposed. Respecting the other plan, both had much greater doubt; indeed they felt considerable repugnance to it, not merely as a scheme of foreign growth, but from the anomaly of seats without votes, and the manifest impossibility of persons voting only in right of their offices. Yet I feel well assured that had an opportunity been afforded for a full consideration of the subject, the evils arising from the restriction upon the choice of public servants, and the complete success of the proposed arrangement both in France, while she had a Parliamentary constitution, and in all other countries enjoying that blessing, would have gone far to overcome the repugnance of my noble Friends; and of nothing can I be more absolutely certain than of the entire candour, the freedom from all bias and all narrowminded prejudices, with which they would have entered into the important discussion. No opportunity, however, was given for it; the opposition confiding in their strength, as the event proved they had reason to do, threw out the Bill; and when it was again introduced the year after, all compromise was precluded by the course which both parties pursued. I may, nevertheless, add, that upon the lessser of the two measures, the dispensing with re-election upon taking office; a noble Friend (Lord Hatherton) afterwards made a proposal, in which my colleagues entirely concurred, and some accidental circumstance alone prevented it being adopted.

I must, at the same time, fully admit that the requirement of the Duke and those who went entirely with him, would not have been satisfied by any such addition to the Bill, however much it must have tended to remove a main part of the objection; for he regarded the extinction of Nomination Boroughs as practically fatal to the prerogative; and it never was in my contemplation when I held out the prospect of alterations in the Committee, to break in upon Schedule A. Nothing could be better known at that time than my reluctance to accept this part of the Bill; for I had on the eve of the Duke's resignation laid before the Whig party the plan to be proposed on my Motion, which stood for the day of that resignation, and which having been framed with the concurrence of my noble Friends at the head of the Government that succeeded, had been fully approved by the meeting; and that plan retained one member for each close borough. But I was bound in candour to admit that upon no constitutional principle could the choice of representatives of the people by single individuals be defended; and when a measure was to be propounded by the Government for establishing a representative system, I felt that all objections to the abolition of close seats must give way to this paramount consideration; objections grounded on the undeniable fact that these seats have great practical uses in facilitating the working of the constitution, and that they are very much less liable to the charge of corruption than are the small boroughs with nominal rather than real bodies of electors; the creation of a good number of which is one of the greatest blots upon the Reform of 1832.

Another defect appears to be manifest, and it is easily removed; there seems to be no good reason for requiring in the registration that the voters in towns should annually prove their qualification. The ground of the requiring occupancy of a certain value is to secure a respectable station in the voter. His year's residence is required; but why should he cease to have a vote because he no longer occupies a £10 house? If he has already been put on the register as of sufficient station, surely he does not lose that degree of respectability by lowering the value of the house he inhabits. The difference between the town and country franchise may no doubt make it necessary to go before the revising barrister in the former case, in order to prove residence; but there can be no reason why value should be inquired into. The rule should be "Once a voter always a voter."

The vesting the appointment of these barristers in the Judges appears to be another fault of the system. All grant of patronage to the judicial body is in my humble opinion to be avoided. It is hurtful to the Judges; it is injurious to the independence of the bar; it is not always calculated to secure good appointments; for the power is exercised by different persons each year from accidental changes in the circuits, so that no real responsibility exists; and we accordingly constantly have complaints made of the choice being dictated by favouritism or by connection rather than by merit. I am bound to add that as far as my own observation has gone, I have never known any ground for such complaints; their existence, however, in the profession is not to be disregarded; and upon the whole it would be advisable to vest the choice in the Home Department.

The prospect of alteration in the Committee was held out by me upon the same occasion in reference to a much more important matter, the uniformity of the household franchise. The term £10 house means things widely different in different towns. In the capital there is scarcely such a house; in many places persons of considerable income inhabit houses of that class; and a circumstance which occurred while the Bill was under preparation will at once illustrate the difference of which I speak. Originally £20 was the sum fixed upon. This appeared much too great, and upon returns being called for, we found that nearly as many close boroughs would be created as were disfranchised by Schedule A. One, I well remember, having upwards of twenty thousand inhabitants, was found to have no more than some half dozen houses which let for £20. There appeared to be no special virtue in an uniformity of qualification; in some respects a variety in franchise, leading to a variety in the constituent body is advantageous, and there seemed no insurmountable objection to the introduction of it. This, therefore, was distinctly stated by me to be a subject for the consideration of the Committee had the second reading been carried.

I have hitherto stated those defects of the Bill which it was proposed to discuss in order to meet some of the principal objections of our adversaries. But a greater defect, perhaps, than any other was actually introduced into it, and has been unfortunately retained; it was a concession to them, and expected to facilitate the passing through the other House. I refer to the votes of freemen. Considerable restriction was no doubt added for the purpose of preventing the great abuse of fictitious enfranchisement under the name of honorary burgesses; and the number of hereditary freemen was greatly diminished by restricting the right to such as claimed their freedom by servitude, or through those who had their freedom in May 1831. Nevertheless, the class still exists, and it is in no respect the best, in many respects the worst of the constituency, being more tainted with corruption than any other. There can be no doubt that the abolition of this franchise would be a great improvement.

I am thus naturally led to consider the most important class of all who are now excluded from the right of voting—the valuable body of artisans, thus named in contradistinction to day labourers; skilled workmen, of whom it is impossible to speak in terms of too great commendation, whether we regard their ability, their acquirements, or their character. Very many of them possess considerable scientific knowledge; most of them are of eminent skill; almost all of them are distinguished by independence of mind. They are indeed in a position of independence, being more necessary to their masters than their masters are to them. Accordingly in almost all places where they chance to have votes they are very far from desiring to exercise the franchise in secret, and they, generally speaking, treat the notion of the ballot with contempt. I by no means intend to affirm that there are no places which form an exception to this statement; but I have no hesitation in making it with respect to this most valuable class of men as the general rule. Yet, unhappily, they do not, in the vast majority of instances, possess the franchise. The body of all others in the middle class the most deserving of the right, and the best qualified to exercise it safely for the community, and creditably to themselves, are shut out from the enjoyment of it. In London they are almost always lodgers; in the provinces they rarely occupy £10 houses. I would fain hope that in any plan which may be devised for supplying the defects of the present Act, means may be found of admitting this important class within the pale of the constitution. Different ways suggest themselves; but if it be found impossible to devise any plan of examination, or of certificates from teachers, or from employers, or from trustworthy vouchers, plans the great difficulty of which I am ready to acknowledge, I own that rather than this exclusion should be perpetuated I feel disposed to adopt the expedient, which I grant is a coarse one, of lowering the town qualification generally, supposing always it should be found impossible to lower it in the excepted case of these artisans. Nor let it be imagined that if I speak of a six pound rent which would in all places out of London admit this class, I am departing from the principle I would recommend of avoiding all sweeping measures of change in the existing system. I have as confident an opinion as it would be fit to hold upon an untried matter, and therefore a subject of speculation only, that though there would be a very great increase of the number of voters were the franchise thus lowered, there would be little or no change in the results of elections. All the persons most conversant with this subject, to whose opinions I have resorted, take the same view. I have found hardly any who feels persuaded that I am wrong in my conjecture. When you mark the difference between the show of hands and the poll at town elections, were you to infer from thence that the multitude who are so often found to be the majority at the nomination and the minority at the election, are the six pound householders, you would assuredly commit an egregious error. That multitude are the day labourers, who pay no such rent as between a fourth and a fifth of their earnings. We know that the artisan is shut out because he will not pay a seventh of his wages for a £10 house; we may thus be quite certain that the common labourer does not pay a fifth of his wages. I therefore continue of the opinion which I held before the introduction of the Bill in 1831, that a low qualification for the towns will not have any tendency towards greater democratic influences in the constitution than it was then deemed expedient to establish by giving representation to the great towns, and a larger increase of borough than of county members. Indeed the plan which was laid before the meeting I have referred to as held before my Motion, while it retained half the nomination seats, gave household suffrage in all the towns. It carefully preserved, however, the property qualification for counties. I can see no objection to what has been frequently proposed, requiring a longer period of residence where the qualification is an occupancy at a lower rent; to require two years, for example, for a £6 house, with one for a £10 house; but also adopting the rule, once a voter always a voter, in this as in the other case. The great advantage of this improvement would be that we should give the franchise to that important and estimable class whom I have mentioned as artisans or skilled workmen.

I have adverted to an education franchise. This has been often proposed; and in the last of the Education Bills which I presented to your Lordships, and which were warmly supported by the Government of the day, a right of voting was given to all who should be pupils of schools under public inspection, and had there completed their course of instruction. This assumed that the acquisition of merely elementary knowledge, with the habits formed by school discipline might be a sufficient proof of respectable station and character. But the obstacles found to exist in the way of such a plan, and still more the great advantages of a higher kind which may be derived from another of a different description substituted for it, call upon me to give your Lordships the outline of that substitute. It has been proposed to form a body of voters whose qualification shall be a liberal education, as tested by their station in life, professional and other. This class would consist of all the learned bodies, clerical, medical, legal; of persons in orders, whether beneficed or not; of surgeons and apothecaries as well as physicians; and of all the branches of the law. It would comprise officers in the army and navy, directors of chartered companies, teachers of endowed schools, persons having degrees in any university or college, fellows of scientific or literary societies established by charter, or otherwise incorporated. We cannot doubt that this body comprises members of the community who are eminently entitled to a voice in the election of representatives, and above all that their choice, if falling upon those of their own class, and as it probably would upon the more distinguished individuals, would tend very greatly to improve the composition of the representative body. I may state with confidence that this plan is now about to be pressed upon the consideration of the Government by noble friends of mine, and others not members of this House; and that, were I at liberty to mention the names of both classes, the proposal would command your respectful attention independent of its intrinsic merits. But I may safely rely on these, and proceed to observe that, as the expected Bill must without doubt put an end to a considerable number of parliamentary boroughs, those which all are agreed in regarding as left without due consideration in the Act of 1832, it is reckoned that somewhere about seventy seats may thus be left unfilled by choice of the existing body of electors; and it is proposed that these should be appropriated in the different counties and greater towns to those returned by the class whom I have described, the class of scientific, literary, and generally well educated men, exercising the right of voting either with any other qualification which they may happen to have, or without it if they have none. I beg leave to add what is of really very little importance, but to avoid the supposition of my having only stated the opinion of others, that upon a full consideration of the subject, and without disguising from myself the objections which it is likely to meet with, I have come to adopt the views of the promoters of the plan, and desire to be regarded as among them, having indeed joined in signing their memorial to the Government.

About to express my difference with other friends of Reform, and to protest against some changes which they have with great zeal, accompanied by more or less of knowledge, propounded, I may here pause to observe that while I have distinctly deprecated any large and sweeping change in our electoral system, I have, I really think, said enough to show how little I can be accused of unwillingness to revise the errors that have been committed, or of bigoted adherence to what is already established, or of unwillingness to extend the elective rights of the people, where this can be done with safety and advantage. I fear me I may possibly rather be charged with going too far in this direction. But be that as it may, I must now address a few words of warning to my noble Friends regarding measures which I plainly foresee, from what has already passed elsewhere, will surely be pressed upon them. I refer to the plan for breaking down the distinction between County and Borough representation. I regard the maintenance of that distinction inviolate, as absolutely necessary to the constitution of this country; and I cannot well find words to express my astonishment that some friends for whom I have the greatest respect and the warmest affection, should have viewed the late proposal of letting in the £10 voters upon the counties as a matter of minor importance. It is in truth the abolition of the county representation by the extinction, by the overwhelming of proprietary right of voting, and the transfer of the choice of the members from the counties to the towns—from the counties which at present return less than half the number of borough members, and are always influenced by town voters in their return of that half, while county voters can hardly be said to influence borough elections at all. I am quite aware of the argument derived from the apparent hardship of so many persons being deprived of votes, because neither having the county qualification nor inhabiting Parliamentary boroughs, being £10 householders, yet having no votes because residing in counties. But our whole electoral system abounds in such inequalities. The maxim relied upon, that representation should go along with taxation, is very plausible, to those who reflect not upon its consequences, and that following out at once lands us in universal suffrage. For why confine the franchise to those who pay direct taxes? Does not every man contribute to the revenue who drinks a cup of tea, or a glass of beer, or takes a pinch of snuff? Nay, why stop at the age of one-and-twenty when you take men of eighteen for your militia, not to mention their use of taxable commodities? Can there, too, be a greater inequality than that one county, Rutland, of 24,000 inhabitants, should return as many members as the West Riding of Yorkshire with fifty-five times as many, or 1,400,000? To get rid of such inequalities it has been once and again proposed that the country should be divided into electoral districts like France.

The Earl of DERBY: That was Lord Durham's plan.

Lord BROUGHAM: My noble Friend is quite right, but not the plan that my lamented Friend ever made the least allusion to in the Debates on the Reform Bill, or, as I believe, in the Sub-Committee which prepared it. The plan was adopted in the Bill which he introduced ten years before in the other House; and such a division, I need hardly add, must give the return of all county Members to the towns within each district as it does in France, I should rather say as it did while France had really a Parliamentary constitution. But the whole system in that country, even with a real representative body, was entirely different from ours, because there existed no order between the Crown and the people. The transfer of all county elections to the towns here will eventually produce the same constitution, and some may prefer it to our own; I am not of the number of these. But I stop not to compare the relative merits of the two. I will not argue with those who think the proposed change would be for the better; it is enough to say, that it would not be the same but an entirely different frame of government, and must rest upon wholly different principles.

At one time, when the extent of borough corruption was so universally complained of, and the means taken to extirpate it were supposed to have failed, I listened to the proposition of those who suggested as a remedy a general measure for throwing corrupt boroughs into the hundreds, when it was deemed inexpedient to visit them with disfranchisement. We had at that moment been disappointed in the hopes entertained of trying the experiment of the Evidence Bill, to which I had the satisfaction of obtaining the assent of your Lordships in 1851. It is, however, most gratifying to find that our apprehensions have proved groundless. I am informed, by those best acquainted with the late proceedings in the other House, that the provisions of the Act for the Examination of Parties have had the most salutary effect; that Election Agents have in general been afraid of their inevitable detection; that Candidates have in like manner been deterred from the course previously pursued, being compelled to keep a strict watch over all in their employ by the prospect of a searching investigation before the Committee; that there never was any former election in which so few cases of general corruption were found to exist; and, indeed, that in no preceding instance were there so few Members unseated for bribery. The Act to which I have referred has been generally referred to as at least one main cause of this fortunate result; the Act respecting Election Expenses introduced by Sir F. Kelly also greatly contributed to it.

Depend upon it, my Lords, the principal objection to universal suffrage itself is not the evil effects which it might produce in Borough elections, though these would be very great, but its destruction of the County representation, by depriving property of all its influence, and thus destroying the balance of the constitution. Nor is the aversion to it confined to this House, and to reflecting men in this country. Our neighbours on the other side of the Channel hold it in supreme reprobation, those, I mean, who desire to have a constitutional government. A respected Friend of the noble Marquess and mine (Lord Lansdowne) not long ago warned me very unnecessarily against it, holding that the liberties of France lie prostrate before Universal Suffrage. While I admit that the very worst form of it is its application to the choice of a ruler or other office-bearer, or a measure, and that it can thus work nothing but mischief very much greater than if only used in the selection of men to consult for the public, or by the worse course of an intermediate election of persons to choose such men—

I yet was bound to give my answer, that constitutional government in France lies prostrate not before Universal Suffrage, but before the recollection of 1793 and 1794—the recollection of those dreadful scenes which no one can name without shuddering, when Paris, and through Paris France, was ruled by the mob, that worst of tyrants, everywhere present, nameless, and irresponsible, having all the bad propensities, the evil desires, the cruel nature of the individual tyrant, with all his insane caprices — alike dangerous when elevated not soothed by hope, or depressed not tamed by fear, nor more to be dreaded in the intoxication of success than in the paroxysms of alarm; for the mob, like the single scourge, is not inaccessible to fear, the appointed punishment of tyrants—

> Qui terret, plus ipse timet; sors ista tyrannis
> Convenit.

The memory of the horrors perpetrated by the populace in the fury of those times, the darkest page in the history of France, has formed the strength of all the usurpations, the foundation of all the despotisms, which have succeeded one another, from the Directory to the Consulship, the Empire, the Restoration; and the constitutional government which for a while was enjoyed, fell a sacrifice to the events somewhat less sanguinary, but little less disgraceful, which followed the downfall of the Monarchy and accompanied the mock Republic, until an attempt to carry on Parliamentary Government once more showed how little our gallant and amiable neighbours are capable of conducting a system whose virtue and, indeed its safety, consists in balances and checks. But with so enlightened, so ingenious, so painstaking a people, a people so accomplished in all the sciences that demand the most profound inquiry, the deepest reflection—why exists there this difference between the two nations in the conduct of their political affairs? First, because it is characteristic of the Englishman's nature always to respect, to love, and to hold by that which is established, by the institutions handed down from other ages, the result of gradual amendments and bearing the fruits of long and varied experience. This feeling of repugnance to innovation, of reluctance even to moderate improvement, because involving change, is oftentimes carried to excess, and I and other reformers have not seldom had to complain that the country is slow to admit things to be wrong and tardy in affording the application of a remedy. But across the Channel it is enough that anything is established, any institution has been what is called *inaugurated*, for all voices to be raised against it; and while we have for our motto, "Whatever is, is right"—theirs would seem to be, "Whatever is, is wrong." One cannot really say that after so many efforts, and such terrible sacrifices to obtain freedom, they have any great love of liberty, at least in practice; equality they highly prize; they can bear no superior; they would lower all above them, without much caring to bring those below them up to their own level. It was a pleasantry of one of their most famous wits, that whatever faults he might have, and how far inferior he might be to other men, he certainly had one quality peculiar to himself; he was the only man in France that did not believe he ought to be the King of the country. These of course are great exaggerations, and even in the more moderate estimate of the national character, I am very far indeed from speaking of the nation at large; but that a very great body of the people, and of those who possess important influence on the destinies of the nation, are open to the remarks thus so often made, no doubt can be entertained. But this national habit of discontent with existing institutions, and proneness to admit any change of them is not the only cause of the diversity in political circumstances, nor is it unfortunately a cause easily to be removed. There is another much more within the possibility of being changed, and to which may be moreover ascribed their never having obtained a stable constitution; and I wish I could make my voice heard by them, while I exhort them to take a leaf out of our book, as I wish we might take one out of theirs, for instance, the noble example set by them of public gratitude, as when an eminent personage like my Friend General Carnot happened to lose his election to the Council of Five Hundred, and was forthwith chosen by fourteen or fifteen other places, which I fear never would have happened in England. But I allude to that which maintains our system, and which in France is wholly wanting—the spirit of compromise arising out of the attachment to established things, that I have noted as a characteristic of Englishmen. With us the contest of parties, the most animated, even the most rancorous never goes beyond a certain length—never is suffered to put the existence of our Government in jeopardy. The ignorance or irreflection is inconceivable of those who deride all notion of checks and balances as absurd, because, say they, either one predominates over the other, or all movement is stopped and the machine stands still. It would be so in France; in England the reverse takes place. The opposing forces act at an angle, and not directly against each other; so that the machine is neither stopped nor torn asunder, but its motion is continued in the diagonal between the two lines of force. Each party yields a little to the other, rather than that irreparable mischief should be done, or all action be suspended. In many instances the joint action is even beneficial, and a better result is obtained for all, than if either party had everything its own way; but above all, the peril of collision, the disruption of the system, is effectually prevented. The Government proceeds without a revolution. In France it is far otherwise. The forces are in direct antagonism; there is no mutual concession; compromise, the science which has been called the science of Government itself, is unknown; in each struggle contending parties conflict with desperation, and care not how they may destroy the constitution itself. It is never that a force in one line acts at an angle to a force in another, but two forces are diametrically opposed and the result is either the suspension of all motion, or the destruction of one faction and the supremacy, the despotism of the other; and, in many cases, the disruption of the whole machine; so that the conflict of parties is pushed to extremities, and ends, not as with us—witness Emancipation, Free Trade, Reform itself, perhaps the Currency too—in compromise, the system being preserved, though modified; but in revolt, in revolution, often, as at the end of the last century, preceded by anarchy that convulsed the country, or massacre under the profaned name of judicial proceedings, that stamped upon it a stigma never to be effaced. Even of later years somewhat of a similar catastrophe, though in an exceedingly mitigated form, has been known. The same grievous defects in the conduct of Parliamentary proceedings, of party measures, have been seen to exercise a most inauspicious influence upon the fortunes of France, and, combined with the necessity of arresting at all hazards, and at the cost of any sacrifice, the swift progress downward to Socialism, and its legitimate offspring confusion, have brought about the erection of an absolute monarchy upon the ruins of representative and party government; the establishment of a power wielded with a strong hand, guided by eminent capacity, pointed by a firm purpose to the maintenance of order at home, and peace abroad, and commanding the good wishes of all who prize those inestimable blessings. My purpose this day has been to mark the diversity between the political conduct held in the two countries, both as showing how our course must needs be followed by our neighbours if they really desire to obtain a constitutional government, or preserve it when acquired; and as illustrating the doctrines of moderation, gradual amendment, and wise concession, which I have recommended as essential to guide us in the administration of our happy system, our mixed and balanced constitution. Against these doctrines he will grievously sin who shall patonize any scheme that, under the name of Reform, should break in upon the fundamental principles sanctioned a quarter of a century ago by the united voice of the Parliament and the country. Abiding by those principles I protest against whatever change would substitute for our limited monarchy or democracy, to end, as elsewhere, in a monarchy without any limits at all; although I have to-day proved to your Lordships that there exists no warmer friend to whatever extension of popular rights can be granted with safety to that monarchy, and in accordance with those principles.

The noble Lord concluded by *moving*—

"That an humble Address be presented to Her Majesty for, Return of the number of Electors in every County and division of a County, City, and Borough of the United Kingdom."

EARL GRANVILLE said, that he had no objection to the production of the Returns moved for by his noble and learned Friend; and, whilst expressing the interest with which their Lordships must always listen to the views of his noble and learned Friend upon a subject with which he was so fully conversant, he would simply express his concurrence in the statement that these views, as expressed that evening, were taken without communication with her Majesty's Government, and were not to be considered as in any manner binding upon them.

Motion *agreed to.*

POSTAL COMMUNICATION WITH AUSTRALIA.

OBSERVATIONS.

The Earl of HARDWICKE, in rising to call the attention of the House to the contract for carrying the Australian mail, said the subject was one which had been brought under his notice by various Gentlemen who represented the interests of those great colonies in this country. He had, therefore, deemed it to be his duty to submit the subject to their Lordships' consideration. In doing so, he should shortly state that the arrangements for carrying out the postal service with Australia, which had been entered into previous to the war with Russia, had been thrown overboard on the breaking out of hostilities with that country, and that sailing vessels had, in consequence, been resorted to for the performance of that service. As soon, however, as the war had been brought to a close, the attention of the Government had been directed to the inadequacy of that mode of intercommunication. But, before adverting to the steps which had, in consequence, been taken, he might, perhaps, be permitted to present to their Lordships a few details connected with the financial view of the question. The first year after the war the cost of the conveyance of mails to Australia had been upwards of £572,000, while during the past year it had amounted to £785,356, a very large drain upon the public purse. Now he would lay before their Lordships, very shortly, the facts of the case. The Government advertised for tenders for the conveyance of these mails, and, as was usual, announced that they did not bind themselves to take the lowest tender. Nor did they; for, on the contrary, they took the highest tender, and that from a company who had at their disposal the worst possible means of performing the service; and not only that, but, when they found that the company was unable to carry out the contract, instead of annulling it, and entering into one with competent parties, they had endeavoured to patch up the matter. There were two companies which had offered to convey the mails—the Peninsular and Oriental Steam Navigation Company and the Australian Mail Packet Company. Now, as their Lordships were aware, the Peninsular and Oriental Company was a very successful company, and possessed some of the finest ships in the world, ships as well known by name as the finest ships in Her Majesty's navy. That company offered to undertake to perform the service of carrying the mails, and for that service they proffered such ships as the *Simla*, the *Pera*, the *Bengal*, and others of a similar class. They had also the advantage of having, at that time, three of those vessels at the other side of the Cape of Good Hope, and of, consequently, being prepared to carry the mails at the shortest notice, by merely establishing a communication between Marseilles and Alexandria; and that company offered to convey the mails for £135,000 a year if Melbourne was to be the point of disembarkation, and for £140,000 if Sidney were selected for that purpose. It was true that the directors of that company declined to enter into any covenant for penalties for non-performance of the contract; they thought that the reputation of their ships, and the fact that there would be on board an officer in charge of the mails was, of itself, a sufficient guarantee; but, while they declined to enter into any contract for penalties for non-performance, they, at the same time, refused any premium for a more speedy performance of the service, than that guaranteed; and they had, at a subsequent period, offered, under ordinary circumstances, to bind themselves by a penalty of £100 a day for every day beyond a specified time. He wished their Lordships particularly to bear in mind that that company had offered to perform the contract for £135,000 a year. Now, what was the proposal of the Australian Mail Packet Company? Why, they offered to perform the same service for £185,000 a year, and they proposed to place at the service of the Government vessels of a size and tonnage equal to those which had been offered by the Peninsular and Oriental Company, such as the *Oneida*, the *Melbourne*, the *Sydney*, &c.; but, the fact was, that at the time, some of those vessels were not even built; and none of them were on the other side of the water. The *Oneida*, a vessel exceeding 2,000 tons, was reported by that company to be ready to be surveyed on the 1st of August, 1856, and there was a little history connected with that survey which he wished to narrate to their Lordships. The ship was reported ready for surveying on the 1st of August, but she was not actually surveyed until the 20th of October, and, owing to circumstances which had arisen upon that occasion, a question had been put to the first Lord of the Admiralty upon the subject, to which the right hon. Gentleman had replied, that the *Oneida* had been surveyed and found unfit for service, and he did not know how it was that she had sailed, and, a few days afterwards, Mr. Wilson, in reply to a similar question, stated that the survey of the *Oneida* took place on the 18th of October, that the ship had sailed on the 19th, and that the Admiralty had received the report on the 20th. It was extraordinary conduct on the part of the Government that the ship should have been allowed to go to sea on the day after it was surveyed, seeing that it was now found totally unfit for sailing, and was so reported to the Government. She sailed with the mails to take her chance, and the Government appeared to have been ignorant of that fact. She proved unfit, breaking down in that portion of her machinery which was the foundation of her engines. Her machinery had, some time before, been injured and patched up again, and when a strain came to be put on the vessel, that portion he had just alluded to gave way. She found her way, at last, to Melbourne, under canvas, and again sailed, and again broke down. This company was so inefficient they were obliged to go to the Peninsular Company to borrow a ship—the *Simla*—to enable them to carry out the contract, for which they had obtained an amount larger by £45,000 than the other company had demanded. No doubt the margin which had been left them in the contract was the cause of this Australian Mail Company undertaking that which they knew they could ill perform. But the company were wanting in money as well as vessels, and applied to Cunard's line to know whether that company would buy their ships and contract, and, receiving a refusal, they next applied to the Oriental Steam Packet Company, who stated their reasons why they would not venture to join them. All this time the Australian mails were failing, and, in the time in which five mails should go only three went. This broken-down company at last hit upon a bright plan, which he believed was not yet sanctioned, and it was in the hope of preventing it being successfully carried out that he now mentioned the subject. This miserable company, if he might call it so by way of distinction from other companies, hit upon a plan of propping up their broken fortunes, and proposed to the West Indian Mail Packet Company to unite with them, and form one great company. The Australian Steam Packet Company proposed to hand over to that company their ships and property, and to amalgamate and carry on the Government business. Altogether, they considered there would be a capital of about £600,000. But the West India Mail Company were not satisfied, got something more, and suggested, as he gathered from the printed papers, that they would be most happy to accede to the proposal if two years could be got tacked on to the period of their contract. The terms were agreed to, upon the condition that Government should grant an extension of two years' time to the present contracts of the two companies, subject to such modifications as might be deemed necessary. It appeared to him that this was a proper matter to notice publicly, seeing the condition in which the taxpayers of this country would be placed if this scheme were permitted to be carried out. The contract with the West India Steam Packet Company was made in 1851 for eleven years; and he remembered, when he was at the Post Office, thinking it might have been well to have paid the forfeit of £60,000, and formed new contracts for carrying the mails to the West Indies, seeing that so large a sum as £270,000 a year was, at present, paid for that object. It was now proposed that the two companies should unite, if the Government would concede two years' additional time for the contracts; so that, in effect, the country would have to pay an annual sum of £445,000 for the service of the mails to Australia and the West Indies, and the payment for the two years additional would be equivalent to a bonus of £900,000. Some years ago, a Parliamentary Committee sat to inquire into the state of these contracts, and that Committee reported, among other things, that, as the existing contracts expired, it would be desirable to subject them to a strict revision before renewal, and they discouraged the adoption of contracts for any lengthened period, as the Government would thereby be prevented from benefiting by improvements in steam navigation. He believed that now, in consequence of improvements in steam navigation, the Government would have plenty of offers for the West India mail service, for £100,000 or £125,000 a year, instead of £270,000. Therefore, if the Government had permitted any of their officers to sanction the agreement between the companies by which those companies would receive £445,000 a year for two years additional, they would necessarily suffer in the opinion of the public for having done what he thought one of the greatest jobs ever perpetrated—the more particularly as the Government had had it in their power to settle the business without any difficulty, as this Australian Steam Packet Company had failed in the performance of their duties. The Government, therefore, might have got rid of the contract, and formed a new one. The only additional comment he would make was, that when contracts were offered to the public they should be open and *bonâ fide*, and conducted without the semblance of a job of any kind in favour of the parties, either on one side or the other. There should be also a clear understanding that, on failure in the performance of the contract, there should be a dismissal with full power to form a new contract, and with no patching up of agreements and bargains with companies in an unintelligible manner by agents and underlings in public departments. The case he had endeavoured to explain resolved itself into this simple matter, that a company contracting with the Government had been unable to perform its obligations. Under these circumstances, the duty of the Government was clear. They ought to dismiss the company, and enter into the market for new contracts. Instead of this being done, the company, according to the printed documents, was to be propped up by a union with another company, and an extension of the term of contract for two years. He mentioned the circumstance for the purpose, he hoped, of effectually stopping any further progress in the matter; and he trusted the Government would deal with the Australian Steam Packet Company firmly and decidedly.

THE DUKE OF ARGYLL said, his noble Friend had, towards the close of his speech, stated that a proposal had been made for amalgamating the Australian and the West India Mail Companies, and that the latter company had consented to the amalgamation, provided its own contract were extended for two years. He could assure his noble Friend, however, that no such proposition had been referred to the Post Office authorities; and, moreover, that if such a proposition were made to them he believed the officers connected with that department would not accede to it, unless some new conditions were inserted in the contract. But the main part of his noble Friend's speech was directed to the question whether the Admiralty and the Treasury were justified in their original contract with the company which had now the carriage of the Australian mails committed to them; and here—although he did not, of course, intend to state the case unfairly—he had made some material lapses. He was correct in stating that there were four tenders, and that practically the question lay between two of them —the Peninsular and Oriental Company and the Australian and European Company, which was now enjoying the contract; but he passed over very lightly the important matter of penalties. He was correct, also, in stating that these contracts were not made by the Post Office— they were, in fact, made by the Admiralty and the Treasury with regard to most of their details. But upon the question of penalties the Post Office had expressed a strong opinion, and had stated that they infinitely preferred that the system of penalties should be an absolute one, and operate in the way of insurance of punctuality. The mode in which it operated was to put a premium upon regularity, and in some cases a very high premium, for it was most desirable that the arrivals and departures should be punctual; and he was quite sure that the public would rather pay a larger sum for the conveyance of mails if punctuality were insured, than a smaller sum without punctuality. At the time the contract in this case was being made the Australian colonies were in a state of the greatest excitement upon the subject. Deputations came here professing to represent the colonies. Some did and some did not. In fact, the colonies appeared to be in a high fever, and it was essential that the Government should as speedily as possible arrive at the settlement of the question. In accordance with the opinion expressed by the Post Office, the following clause was stipulated as a condition of tender:—

> "A penalty of £100 to be incurred when the contractors fail in providing a vessel in accordance with their agreement, ready to put to sea at the appointed hour, and also the sum of £100 for every successive day which shall elapse until such steam vessel shall actually proceed to sea; and also (from whatever cause arising) £50 for the first day, and a sum increasing by £50 per day for every succeeding day; that is to say, £50 for the first day, £100 for the second day, £150 for the third day, and so on increasing by £50 for every day for any time consumed on the voyage beyond the maximum number of days allowed; but so that the full amount of such penalties on any one voyage shall never exceed the proportion of the subsidy applicable to such voyage, and

> which penalties shall in no case whatever be relinquished."

The answer given to this condition by the Peninsular and Oriental Company was that they declined to be responsible for failures in respect of the length of the voyage, or for any other failures arising out of causes which were beyond their control, and they therefore respectfully rejected the stipulations. They ended by giving the terms by which they were willing to bind themselves under ordinary circumstances, but than this nothing could have been more vague or unsatisfactory. In the fifth paragraph of their tender they said,—

> "The time of the commencement of the proposed service must depend on the release from the transport service of the company's ships now employed in it; and after their discharge from it several months will be required to overhaul and refit them for postal and passenger service, and to place them on their respective stations in the Eastern seas."

His noble Friend had spoken strongly with regard to the character of the company to which preference was given; but he had omitted altogether from his consideration this important element in the tender—that the company which obtained the contract offered to perform the whole service between England and Australia, and not between Suez and Australia only. He must say also, that his noble Friend had not very fairly represented the degree of success which had attended the efforts of the company. He was not exactly aware under what circumstances the *Oneida*, which carried the first mail, left the country; but it was true that she broke down, and that thereby such delay was occasioned that the company had incurred a penalty of £7,700—exceeding the whole of the subsidy; but apart from that circumstance, they had been, upon the whole, extremely punctual. The time occupied by the second mail was 1,246 hours, being twenty-two hours only over the time allowed by the contract (1,224 hours), and the delay not amounting to an entire day there was no penalty. The time occupied by the third mail was 1,257 hours, including stoppages, being thirty-nine hours under the time allowed by the contract, namely, 1,296 hours, including stoppages. The company, therefore, received a premium of £30. The time occupied for the conveyance of the fourth mail from Sydney was 1,430 hours, or 117 hours over the period allowed by the contract; consequently, a penalty of £500 had been exacted from the company. Impressed with the great importance of securing punctuality in the service, which they thought could hardly be obtained without a system of absolute penalties, the Government had accepted the tender of a company which had assented to that principle; but if the Government had accepted the tender of the Peninsular Company, they would not have been able to claim these penalties; for it was perfectly possible that the company might have represented even the break-down of the *Oneida* as an unavoidable disaster. At all events, there might have been continual disputes between the company and the Government. Upon the whole, then, he thought the Government were right in agreeing to the contract. The sum agreed upon was no doubt large, but one-half of the amount was borne by the Australian colonies, and he was quite sure that both the Home and the colonial Governments would consider that they had done well in paying that amount in case it secured punctuality in the performance of the service. With regard to the company itself, all he could say was that it was not more than nine months since the contract came into operation, and he did not think his hon. Friend was justified in saying, from anything which had taken place during that period, that they had broken down or were likely to break down.

THE EARL OF DERBY said, that where the Government had to deal with companies of known ability, experience, and capital, it was a very doubtful policy whether they ought to insist upon the strict enforcement of penalties under all circumstances. It was clear that in such cases the company would charge an additional sum, more than sufficient to cover them against the risk of penalties; and in the present instance the additional sum so charged was something like £40,000 or £50,000 a year. His noble Friend (the Earl of Hardwicke) had stated that at the time the contract was entered into the Australian and European Company had but one or two vessels in their possession; whereas the Peninsular and Oriental Company were ready to enter upon the service forthwith. But the noble Duke would have their Lordships believe that this was not the fact. True, they were not prepared to commence the service with vessels of the tonnage stipulated, because those vessels were at that moment engaged in the service of the Government for other purposes; what they stated, however, was that they were ready to commence with vessels of 1,200 tons, and that, although they were not prepared to bring into the service those particular vessels which were actually employed by the Government, they should be brought in as soon as they were released by the Government. He would not pretend to say in what light the company which obtained the contract should be regarded; but clearly their beginnings had not been very promising ones; for whereas under the contract they ought by this time to have brought five mails from Australia to this country, only three had yet arrived. The noble Duke said that he did not know under what particular circumstances the *Oneida* had left this country. He thought, however, that as the noble Duke had undertaken to speak for his colleagues, he ought to have made himself acquainted with the facts. A vessel was contracted for which was to sail upon a particular day, and she was reported ready for survey. Accordingly she was surveyed, and an officer of the Admiralty reported her unfit for service. Nevertheless she sailed on the day appointed, without the Government knowing anything about it, or being able to stop the sailing of this inefficient vessel, which broke down on her outward voyage. Yet the Government knew nothing about this gross case of what he might almost call fraud on the part of the Company! Now, in his opinion, it would have been better had the Government abandoned the contract altogether than permitted a vessel to go to sea which their own officer had reported, and which experience had proved, to be unfit for service; and he thought it ought to be explained why a vessel which was not seaworthy was allowed to go out on this voyage. The noble Duke said that the company had fulfilled their engagements, but he (the Earl of Derby) believed this fact was not to be disputed—that the company were desirous of selling their contract. In the first place they applied to one of their unsuccessful rivals, who did perform their contract, and borrowed a vessel from them. They next proposed to transfer their contract to another company, which was already under contract with the Government, and that other company considered the circumstances of this company to be such, that they refused to have anything to do with their vessels, or to enter into partnership with them, unless they obtained from the Government an extension for two years of their own very lucrative and he must say, so far as the Government were concerned, extravagant contract. The Secretary to the Treasury, it was true, had stated that at present no official communication of such a proposition had come before that department of the Government, but that when it did come before them, it would be considered with a due regard to the public interests. That was one way of evading the question; but he wished the noble Duke could have spoken with more confidence when he said that the Government would not be parties to extending, without due consideration, the very lucrative contract into which the West India Mail Company had entered, for the purpose of patching up that which appeared upon the very face of it a most inefficient concern. For his (the Earl of Derby's) part he did not think that any such agreement ought to be permitted or have the sanction or authority of the Government; and they knew from the West India Mail Company's own declaration, that unless that agreement was made with the sanction and authority of the Government, they would not consent to take the Australian Company's vessels and contract into their hands. The case was a very simple one. There had been a complete violation of contract, and the Government were absolutely free. There was no necessity to enter into negotiations upon the subject; but they might go into the market at once and make their own arrangements, and those arrangements, he thought, they could make on more advantageous terms than those which had been agreed to. He saw no particular advantage in permitting the amalgamation of two great companies for the purpose of carrying out one contract; and he was of opinion that the Government would be deeply responsible if, with the view of patching up a particular company, they gave undue advantages to another company, which was at this moment already in possession of a very lucrative and extravagant contract.

THE DUKE OF ARGYLL said, that if he had been at all aware that it was the intention of his noble Friend (the Earl of Hardwicke) to enter into nautical details with respect to the *Oneida*, he would have endeavoured to make himself familiar with the subject; but he certainly gathered from the terms of the notice his noble Friend had kindly given him, that his question was to have reference simply to the prudence of the conduct adopted by the Treasury in framing the original contract, and the manner in which the contract had been fulfilled by the company. All he knew with regard to the *Oneida* was, that she had broken down between Australia and England, not from England to Australia.

THE EARL OF HARDWICKE: She broke down both ways.

THE DUKE OF ARGYLL: As to the details of the survey of the *Oneida* by an officer of the Admiralty, he had not made himself acquainted with them, never expecting that they would have formed any portion of his noble Friend's remarks. There was, however, one point to which he desired to draw their Lordships' attention, and that was the difference of time between the tenders of the two companies. The tender which had been accepted was for thirty-five days outward, and thirty-five days homeward between Suez and Melbourne; whereas the tender of the Peninsular and Oriental Company was for forty-five days outward, and forty-three homeward.

House adjourned at a quarter to Eight o'Clock, till To-morrow Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, August 3, 1857.

MINUTES.] PUBLIC BILLS.—2° Burial Grounds (Scotland) Act (1855) Amendment.
3° Superannuation Act Amendment.

OATHS VALIDITY ACT AMENDMENT BILL.—QUESTION.

Sir FREDERIC THESIGER: Sir, seeing the Noble Lord the Member for the City of London in his place, perhaps I may be permitted to ask him, supposing the House should agree to the Motion of which he has given notice for the appointment of a Select Committee to consider whether the Act of the 5 & 6 *Will.* IV., chap. 62, is applicable to Oaths appointed by law to be taken by Members of this House at the Table, what he proposes to do with the Bill which stands for to-night in his name for a second reading?

LORD JOHN RUSSELL: I propose to postpone that Bill for a week.

LIABILITIES OF TRUSTEES.—QUESTION.

MR. HADFIELD said, he wished to ask the hon. and learned Attorney General whether he intends to bring in a Bill this Session or the next to relieve trustees from certain liabilities at law in respect of trust property, consequent on acts done by them in the reasonable exercise of their judgment, and without fraud; and from the acts of co-trustees, deposits with bankers, and other dealings, such as would be reasonable and proper in the conduct of private business?

THE ATTORNEY GENERAL said, he certainly was anxious to accompany the measure designed to prevent frauds by trustees with another measure almost equally necessary, of the nature indicated by the hon. Member. A noble and learned Lord in another place, however, had given notice of his intention to introduce such a Bill, and he (the Attorney General) had thought it desirable to postpone his measure until he had seen the Bill of that noble and learned Lord.

LEASES AND SALES OF SETTLED ESTATES ACT AMENDMENT ACT.

QUESTION.

MR. WHITESIDE said, in reply to Lord Robert Grosvenor, if he should not be able to bring on the second reading of this Bill to-morrow he should postpone it until the next Session.

COMMUNICATION BETWEEN LONDON AND DUBLIN.—QUESTION.

MR. REPTON said, he would beg to ask the Secretary to the Treasury if he will lay upon the Table of the House Copies of the Correspondence between the Government and the London and North Western Railway Company relative to the improved communication between London and Dublin?

MR. WILSON said, the correspondence was very voluminous, but he should lay on the Table the terms of the contract if that would satisfy the hon. Gentleman.

MONEY DUE FROM THE MONTE VIDEAN GOVERNMENT.—QUESTION.

MR. WYSE said, he would beg to ask the Secretary of the Treasury what is the total amount of the money advanced to Mr. Ouseley on account of the Monte Videan Government, by whose authority the advances were made from the Civil Contingencies Fund, and what prospect there is of the repayment of the £37,395 stated to be the balance now due to this country; whether it is the practice of the Foreign Office to draw on the Treasury for payments of this character to Foreign Governments without the consent and knowledge of Parliament?

Mr. WILSON said, the total amount due to Her Majesty's Government from the Monte Videan Government was £50,909, of which £37,395 had been advanced from Civil Contingencies and the rest by votes of that House. With regard to the prospect of repayment, all he could say was that Her Majesty's Government were doing their best to induce the Monte Videan Government to repay what the English Government believed to be a just debt due to them from the Government of Monte Video. The money was advanced by the English Consul General some years ago for the benefit of the community of Monte Video during a time of disturbance, and his noble Friend at the head of the Foreign Office was doing what he could to procure the liquidation of the debt. With regard to the last question, he thought if the hon. Member would consider what the nature of the Civil Contingencies Fund was he would see that it was a sum of money voted by that House annually for the purpose of meeting unforeseen emergencies, and that if any emergency arose, whether at home or abroad, it was to that Fund that the Ministry looked for the payment of the expense. The Foreign Office did not draw on the Treasury, but, on an emergency arising, the Foreign Office applied to the Treasury, and if the latter department thought the expenditure fitting they made an advance for the purpose on their own responsibility.

Mr. WISE said, he wished to know how it was that Parliament had been kept in total ignorance of this Vote since 1851?

Mr. WILSON said, Parliament had not been kept in total ignorance of the Vote. It was not a Vote; the money was advanced from the Civil Contingencies Fund.

Sir HENRY WILLOUGHBY said, he wished to ask what authority the Consul had to expend the money?

Mr. WILSON said, when Sir William Ouseley was acting as agent for this Government at Monte Video he was acting under the general power given to him by the Foreign Office for the purpose of protecting British interests in those parts, the same as every other Foreign Minister must do when abroad serving his country, and he must be presumed to have exercised a certain amount of discretion in the matter.

GALWAY TOWN ELECTION. — CONFERENCE.

The time being come for the Conference with the Lords upon the subject matter of an Address to be presented to Her Majesty, under the provisions of the Act of the 15th and 16th of Her present Majesty, c. 57:—

Ordered,—

That a Committee be appointed to manage the Conference:—and a Committee was appointed of Mr. Massey, Lord Lovaine, Colonel Wilson Patten, Mr. George Clive, Sir John Yarde Buller, Mr. FitzRoy, Mr. Dodson, Mr. Estcourt, Mr. Crawford, Mr. Thornely, and Captain Vivian.

Then the names of the managers were called over, and they went to the Conference; and being returned,

Mr. MASSEY *reported,*—

That the managers had been at the Conference, which was managed on the part of the Lords by the Lord President of the Council, and that they had delivered to their Lordships the Address agreed upon by this House, to which they desired the concurrence of their Lordships, and that they had left the said Address with their Lordships.

WORKS IN INDIA.—QUESTION.

Colonel WILSON PATTEN said, he would beg to ask the President of the Board of Control whether there is any objection to the following Returns being annually laid before Parliament previous to the Indian Financial Statement:—

1. A Return of the Sums expended in each year in British India in the construction of roads, and bridges, and works of navigation; specifying the districts in which they have been constructed, and the length and expense of new road and navigation in each district.

2. A similar Return as regards the construction of works of irrigation, distinguishing those which serve the purpose of navigation and irrigation, and including the construction or improvement of water tanks.

Mr. VERNON SMITH replied, that there would be no objection to lay those Returns annually before Parliament.

THE MILITIA.—STATEMENT.

Viscount PALMERSTON, having presented, by command of Her Majesty, certain Supplementary Army Estimates, said, —These are Estimates for the service of such portion of the Militia as Parliament may authorize Her Majesty to embody, and as Her Majesty may be advised to embody, during the course of the year. My noble Friend the Secretary of State for the War Department will present to-day to the other House of Parliament a Bill to empower the Queen, though there be no war or insurrection within the realm, which are the conditions requisite at present for the embodiment of the Militia, to embody between this and the 24th of March next any portion of the Militia which it may be advisable to call out.

THE BENGAL ARMY.—QUESTION.

Mr. DISRAELI said, he would beg to ask whether the Noble Lord had made any inquiries relative to the missing despatch of Sir Charles Napier respecting the organization of the Bengal Army.

Viscount PALMERSTON said in reply, that a letter from Sir Charles Napier directed to the Duke of Wellington, and not to Lord Dalhousie, had been found at the Horse Guards. It was dated June, 1850, and related to the arrangements in regard to the Queen's Army, and also, in another part, to the organization of the Army of the East India Company. He would lay before Parliament that portion of the letter which related to the Indian Army.

Mr. ROEBUCK said, that Sir William Napier, than whom there could not be a better authority, had stated that he had published this very letter some three years ago. ["No, No!"] Sir William Napier had distinctly stated that this letter, written by Sir Charles Napier, was now before the public in the posthumous work of the latter on *Indian Misgovernment*. There need not, therefore, be any difficulty in regard to its production.

OATHS TAKEN BY MEMBERS.

COMMITTEE MOVED FOR.

Lord JOHN RUSSELL: In rising to make the Motion of which I have given notice, upon a subject which concerns the seats of Members in this House—a Motion which my noble Friend (Viscount Palmerston) has allowed me to make in precedence of the Orders of the Day—I should be wanting in respect to the House, if I did not lay before it the grounds of that Motion; although, on the other hand, it would be highly presumptuous in me to attempt to submit to the House anything like a complete argument upon a question of law which I ask to have discussed by the persons most competent to deal with it. I shall, therefore, endeavour to lay such a statement before the House as may justify me in asking for the appointment of the Committee which I propose, leaving the complete discussion and sifting of the question to the members of the Committee. Sir, I have upon the paper to-night a Bill respecting the validity of certain oaths. Since I introduced that Bill, Baron Rothschild has informed me that the suggestion has been made to him—it is not material, at the present moment, to say by whom—that the Act to which I have referred in my notice would enable this House to make an order by which he could take a declaration at the table, in lieu of the oath of abjuration; and that, if the House should be pleased to adopt that course, he would feel no objection to make a declaration so established by order of this House. When I was thus informed, I looked carefully at the Act to which I was referred, and I will endeavour to state the general purport of that Act, and the policy upon which it appeared to me to be founded. At the commencement of the reign of William IV. it was the opinion of Parliament that some endeavours ought to be made to reduce the great multiplicity of oaths, which had become a scandal to this country, and which frequently led to an appeal to Almighty God in cases the most frivolous, and even in cases in which it was notorious that the oaths were unnecessary. Among those whose special attention was directed to this subject was the Duke of Richmond, a man of very great capacity, and of the highest integrity. The Duke of Richmond brought the question before the House of Lords; and on his suggestion, or the suggestion of some other person, a Bill was passed, relieving the departments of the Excise and Customs from a great number of unnecessary oaths. In 1835, a further step was taken in the same direction, and a Bill was presented to the House of Lords, by which, starting from the principle of the first Act, it was proposed to include all the great departments of the State, and to enable the Lords Commissioners of the Treasury to appoint certain declarations which were to be taken in the office of the Treasury itself, in the offices of the Secretaries of State, and, in fact, in all the highest and most important offices in this country. The policy, therefore, was, as it were, an ascending policy, mounting from the minor departments of Custom-house officers and excisemen to the distinguished personages administering the Government of the empire, and, as the Act which I propose to amend was supposed to extend only to oaths taken in courts of justice, so the Act to which I am now referring was one of a totally different description, and applied to all those oaths which had been appointed to be taken by persons having a share in the administration of affairs. I shall state some of the provisions of the 5 *Will.* IV., cap. 8, which is, in fact, the foundation of the Act to which my Motion relates. That Act was entitled:—

> "An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits."

It was provided in the Act that it should come into force on the 1st of June; but it did not receive the Royal assent till the 12th, and therefore it was necessary to pass another to amend it. The latter is the Act to which my Motion refers,—namely, the 5 & 6 *Will.* IV., cap. 62. It is called an Act to repeal the former Act, and to make other provisions for the Abolition of unnecessary Oaths. In the 6th section the oath of allegiance is declared to be an oath for which no substitution of a declaration shall be allowed. That is very remarkable, because it shows the intention of Parliament with regard to the oath of allegiance, separating it from the oath of abjuration and various other oaths. The 7th section excepts judicial proceedings, and declares that the Act shall not extend to them, thus still more clearly confining the Act, and pointing it to the administration of oaths in the higher departments. The 8th section is to the following effect:—

> "And be it enacted that it shall be lawful for the Universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute, or by any valid usage, authorized to administer or receive any oath, solemn affirmation, or affidavit, to make statutes, by-laws, or orders, authorizing and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit, now required to be taken or made."

The Act likewise provides a schedule showing the form of affirmation which was to be taken instead of an oath, where, by any proper authority, the one was substituted for the other. "I, A. B., do solemnly and sincerely declare that"—here there was a blank for the substance of the declaration—

> "And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the——year of the reign of His present Majesty entitled, &c."

I beg again to read the words of this section:—

> "It shall be lawful for * * * all bodies corporate and politic, and for all bodies now by law or by statute, or by any valid usage, authorized to administer or receive any oath, to make Statutes, by-laws or orders, authorizing and directing the substitution of a declaration in lieu of any oath."

Now, Sir, it is plain from those words, placing upon them the usual construction that words should have, that the House of Commons, being a body authorized by valid usage to administer and receive oaths, is a body which is included within the provisions of that Act of Parliament. In stating this opinion, I, of course, am only saying what occurs to me, as a plain unlearned man, as to the meaning of this Act; but, in proposing a Committee, I am proposing to refer to the most learned persons in this House to inquire what is the true meaning of this statute. When, upon former occasions, I proposed Resolutions, and thus aided in preventing Baron Rothschild and Mr. Alderman Salomons from taking their seats in this House, by virtue of what I conceived to be the existing law, I took the opinion of the Attorney General of the day, whom I considered to be the best fitted to guide upon those occasions. Although there were learned authorities, upon each occasion, who differed from me—and I will not say now that I am perfectly convinced I was right as to the law—yet, as I took the best advice I could obtain, so I should hope that this House will, upon the present occasion, have the assistance and opinion of the learned Attorney General, who, not only by his official position, but from his eminent abilities —abilities of which we have had such recent proof in this House—is peculiarly qualified to lead this House, and to give them an opinion upon this matter. But, passing from the question of the plain meaning of these words it occurs to me that it may be said in reply that it was not the intention of Parliament, in passing that Act to include therein oaths to be taken at the table of this House. I can see no reason for that exception, because, as the Act especially excludes proceedings before Parliament, and judicial proceedings, thereby providing for the case of impeachments, we must thence conclude that the oaths to be taken in Parliament, at the table of this House, were to be included in the Act. But I think it would ill become those who have excluded the Jews, by virtue of a harsh and strict literal interpretation of the present law, to insist now that what would appear to be the plain construction of the Act to which I have referred ought not to be carried into effect, if it could by any means be shown that it was not the intention of Parliament, in passing the Act, to maintain that construction. Every one knows now that the words "on the true faith of a Christian," which exclude the Jews, were placed in the oath, not to exclude Jews, but a certain class of Roman Catholics. Every one knows that that class of Roman Catholics has now ceased to exist; but that even if such persons did exist, they could take seats in this House, and hold office, because the Roman Catholic oath which they would now take does not contain the words, "on the true faith of a Christian." Therefore, I think it would be a bold proceeding for persons who have kept out the Jews by all sorts of technicalities, by insisting, against the meaning and against the intention of Parliament, for a strict literal interpretation of the words, to come now and say, "It is quite true the construction of the Act is so; it is quite true that the words cover a declaration ordered by Parliament; but we do not think Parliament could have intended as much, and we will apply just the reverse argument we have hitherto applied, and, having formerly excluded the Jews by a strict and literal interpretation, we will now exclude them by a lax interpretation, being determined never, in any way, to let them into Parliament." That appears to me to be the nature of the case, as it stands upon this Act of Parliament. But there is a further question which I have heard raised. I have had the advantage of speaking to several gentlemen learned in the law, and I am told that doubts may be started even if the House should make an order, as they are empowered to do by this Act, that instead of the oath of abjuration a declaration should be ordered to be made, whether in that declaration the words "on the true faith of a Christian" should not be introduced. With respect to that argument I should say we have plenty of precedents to guide us, and to induce us to leave out those words. In the first place, these words constitute an oath, and they are as such left out, we shall be following, so far as I can collect, the precedent of the case of Mr. Pease? What was the case of Mr. Pease? That gentleman came to the table and asked to be allowed to affirm. He was ordered to withdraw. A Committee was appointed, who came to this Resolution—that Mr. Pease should be permitted to take his seat upon making a solemn affirmation and declaration to the effect of the oaths. Mr. Pease was examined by the Committee and asked whether members of the Society of Friends objected to use the words "on the true faith of a Christian," and he replied, "Yes, I believe they would almost universally object." He was then asked, "Would they consider the words, 'on the true faith of a Christian,' to be swearing?" Mr. Pease replied, "Yes, many would object under such a view." It appears, therefore, as far as can be ascertained—for the public records were destroyed by the fire of the old Houses of Parliament—that Mr. Pease, not feeling himself able to take the oath of abjuration, and there being no special form of declaration which he was authorized to make at the table of this House, the Select Committee—which included a man of the greatest eminence, one who fully understood the forms, precedents, and privileges of this House — Mr. Charles Wynn—recommended that he should be permitted to come to the table and make an affirmation. But there is further evidence in an Act which was passed in the course of the same Session, the 3 & 4 *Will.* IV., c. 49. That Act was introduced by the present Lord Carlisle, and it seems to have been the opinion of those who drew that Act that it was desirable, in order to prevent all doubt or cavil thereafter arising, to lay down the precise form of declaration to be taken on any future occasion in lieu of abjuration. The form is accordingly set forth. But first they state in the preamble the object of the Act:—

> "And whereas some doubts may arise as to the form of the Affirmation to be taken in lieu of the Oath of Abjuration by persons of the persuasion of the people called Quakers;"

They then set out the form of the declaration, which ends with these words—

> "And I do make this recognition, acknowledgment, renunciation, and promise heartily, willingly, and truly;" omitting "on the true faith of a Christian."

Those words are very remarkable. I don't know that in general Acts of Parliament are intended to be sarcastic or contemptuous, but the words, "whereas some doubts may have arisen," would seem to mean that there are some people of weak understanding who might raise doubts, and it was only to remove the scruples from the minds of those persons that the Act of Parliament was required. In the declaration therein enacted the words were, "I declare willingly and truly," omitting the words, "on the true faith of a Christian." Now, upon the Act to which I have referred, and the precedent I have quoted, I rest my proposal that a Committee of the House should sit in order to ascertain what is the proper construction of the Act; and if they should be of opinion that the terms of the Act would bear an interpretation that would admit of the substitution of a declaration instead of the oath of abjuration, then the question will arise in what manner the House should make an order for that purpose. "Order" is the word in the statute, and "Orders" are the very form by which the House carries into effect its own regulations. If they can do so it will be a great relief to many persons. My noble Friend at the head of the Government, in proposing an alteration of the oath, said in regard to the oath of abjuration and that portion of it referring to the person calling himself Prince of Wales and afterwards James VII. of Scotland, that it was difficult for Members of this House to swear to all those propositions without an inward blush. If we should be enabled to substitute a declaration for an oath, it will be far less offensive to make a declaration of what in a great measure is mere harmless nonsense than to make a solemn public oath as to such matters. We are precluded by the vote of the House of Lords from adopting the sensible form of oath which the Government proposed early in the Session. They have decided we shall not have the power to alter the oath; they will not give their consent to any such alteration; and, therefore, it behoves us to consider how we may best release ourselves from the reproach which rests upon us. Above all, when a Member is elected to this House by a numerous and respectable constituency, when he has a *prima facie* right to his seat, if he be duly elected, it would be very desirable, if possible, to find that the law interposes no obstacle to his enjoyment of the privilege to which he has been elected. Everything of the nature of a restriction ought to be, according to the spirit of the laws of England, an exception; and, if the law entitles us to make such a change as I have just referred to, I think it will be hailed by this House as a relief from the present difficulties. The noble Lord concluded by moving for a "Select Committee to consider whether the Act 5 & 6 *Will.* IV., c. 62, is applicable to Oaths appointed by Law to be taken by Members of this House at the Table previously to their taking their Seats, and in what manner the said Act can be so applied, and to report their Observations thereupon to the House. That the Committee do consist of the following twenty-five Members:—Viscount PALMERSTON, Sir GEORGE GREY, Mr. DISRAELI, Mr. WALPOLE, Sir JOHN PAKINGTON, Lord JOHN RUSSELL, Sir JAMES GRAHAM, Mr. GLADSTONE, Mr. ATTORNEY GENERAL, Mr. SOLICITOR GENERAL, Sir FREDERIC THESIGER, Sir FITZROY KELLY, Lord STANLEY, Mr. HORSMAN, Mr. HENLEY, Mr. ROEBUCK, Mr. MALINS, Mr. HEADLAM, Mr. ATTORNEY GENERAL for IRELAND, the LORD ADVOCATE, Mr. DILLWYN, Mr. NAPIER, Lord ROBERT GROSVENOR, Mr. WHITESIDE, Mr. COBBETT, and all gentlemen of the Long Robe, Members of this House."

SIR FREDERIC THESIGER: It is not my intention to divide the House on the Motion of the noble Lord for a Select Committee of inquiry, but at the same time I cannot permit the matter to pass without some observations. The noble Lord professes to have discovered, or rather to have had suggested to him, the existence of an Act of Parliament, long overlooked or forgotten, which will accomplish the darling object of a ten years' wish of the noble Lord, which will render of no avail the opposition of the House of Lords, and place the last stone on the edifice of civil and religious liberty. The noble Lord instead of coming forward with a Resolution that this Act of Parliament, which the Committee will be called on to consider, does accomplish that object, proposes to delegate the functions of the House to a Committee, which is, to say the least, of a most extraordinary character. There is nothing that that Committee will have to do but to consider the effect of the Act of the 5 & 6 *Will.* IV. There are no other labours the Committee will have to perform—no search for authorities or precedents, no inquiry after any other Act of Parliament which may be supposed to bear on the question;—all the Committee has to do is to anticipate the functions of the House by reporting whether the 5 & 6 *Will.* IV. does or does not attain the object which the noble Lord has in view. Now, considering that the Committee ought to proceed to their duty with unprejudiced minds, and that the subject ought not to be prejudged, I think it would have been better if the noble Lord had abstained, as he promised, from entering into any argument as to the effect of that Act; but inasmuch as the noble Lord thought proper not to abstain from entering into such arguments as would, he thought, induce the House to acquiesce in his views, I am compelled to follow his example. I have been taught by him, and in the words of the dramatic Jew, with which the noble Lord must be familiar, "it shall go hard but I will better the instruction." This is not by any means a new question to the House. If there had never been any earnest and intelligent minds previously directed to this subject, one might have supposed it possible that this Act of Parliament—which has now been in existence for more than twenty years—had escaped observation; but that this wonder-working statute should, under all the circumstances that are familiar to the House, have been left to the discovery of this year, is to my mind perfectly astonishing. It will be recollected that in 1850, after two defeats which the noble Lord had sustained on Bills introduced by him to enable the Jews to sit in Parliament, that most learned and excellent person, the present Vice Chancellor, Sir William Page Wood, who had earnestly and zealously contended in favour of the Jews, moved for a Committee to ascertain whether it could not be possible to avoid the opposition of the House of Lords, and by means of a Resolution accomplish the introduction of the Jews into this House. [3 *Hansard*, cix. 810.] I wish the House to see what was the form of the appointment of that Committee, because it affords no precedent to the noble Lord in the proposal he has made on this occasion. The Motion of Sir W. Page Wood was:—

> "That a Select Committee be appointed to search the Journals of this House, and report such precedents and such Acts, or parts of Acts of Parliament, as relate to the question of Jews or other persons being admitted to take their seats in Parliament without being sworn upon the Holy Gospels; and further to inquire and report in what manner Joseph Pease, Esq., on taking his seat in this House, in the year 1833, made affirmation to the effect of the oaths required by law to be taken by Members before taking their seats in this House; and also to inquire and report in what manner Jews and other persons, not professing the Christian religion, are permitted to make oath in courts of justice and other places where an oath is allowed, authorized, or required to be taken."

The House will remember that the fruit of the Committee's labours was a very able and voluminous Report, containing the provisions of all the Acts of Parliament bearing on the subject, from the time of Elizabeth down to the passing of the 1 & 2 *Vict.* c. 105—the Act to which the noble Lord's Bill which is now before the House applies—a Bill which he calls a declaratory, though it seems to me to be an amending Bill. It is remarkable that from the beginning to the end of that Report there is no allusion made to the 5 & 6 *Will.* IV., and we should be doing injustice to the learned and diligent persons who formed that Committee to suppose that that Act had escaped their observation. It is perfectly clear that such an Act, which had been fifteen years in existence at that time, must have been in their recollection, and that they must have adverted to it, but believing it had no bearing on the question they omitted it from their Report. What were the apprehensions entertained by the sagacious mind of Sir Robert Peel on the movement of Sir W. Page Wood on that occasion? He foresaw that the object of the Motion was to obtain the admission of the Jews to Parliament by means of a Resolution, and I entreat the attention of the House most earnestly to the observations he then made, because I am afraid we are on the eve of a crisis on this question. I earnestly hope every Member will feel the necessity of caution and discretion on this question, and not push matters to an extremity, unless in case of absolute necessity. On the occasion to which I have referred Sir Robert Peel said:—

> "He understood the hon. and learned Gentleman the Member for the city of Oxford to propose a Committee to make an inquiry which should not prejudge the question at issue. If that were the understanding, he (Sir Robert Peel) would offer no objection to the appointment of the Committee; but this he must say distinctly, that there was no hon. Gentleman who had voted strenuously against the admission of the Jews who would watch with greater jealousy than he would watch any attempt by the House of Commons to supersede the authority of the House of Lords."

And afterwards he said:—

> "Still he must say again that, after having twice voted for the admission of the Jews to Parliament, there was no gentleman in that House who would watch with greater jealousy than he would lest any interference should be attempted by the House of Commons with the House of Lords."

The result of the Committee of Sir W. Page Wood was that which had been anticipated by the foresight and sagacity of Sir Robert Peel; an attempt was afterwards made by means of a Resolution to induce the House to decide that Baron Rothschild, having refused to take the oath of abjuration, with the words "on the true faith of a Christian," had fulfilled all that was required by the Act of Parliament, and was entitled to take his seat. The noble Lord (Lord John Russell) defeated that attempt. The noble Lord had acted with caution and prudence. He was then Prime Minister, and proceeded very properly under the advice of the law advisers of the Crown [Lord JOHN RUSSELL: of the Attorney General of that day]. I must say the noble Lord's mind is peculiarly susceptible of impressions; for he adopted to the full the advice given him by the Attorney General, and expressed himself on that occasion with regard to proceeding by Resolution in the strongest and most emphatic language. I ask the particular attention of the House to what the noble Lord said, because his mind seems now to waver a little on the subject. He does not come boldly forward and say, "I believe we can seat Baron Rothschild by means of a Resolution," but he throws out hints and half intelligences and says nothing decisive, because the noble Lord knows that he might place himself in a situation from which it would be impossible to retreat without taking some step that would interfere with that constitutional course which he has generally, though I am sorry to say not universally, followed. The noble Lord on the occasion I have referred to said:—

> "I think myself that it is not in the power of this House to dispense with the words 'on the true faith of a Christian.' When that question comes to be debated I certainly, according to all the study which I have been able to give to the subject, shall feel myself compelled to vote against these words being omitted in the oath."—[3 *Hansard*, cxiii. 432.]

Then we find him using these remarkable words:—

> "But according to my deliberate opinion, I cannot lend myself to the changing of the words of the oath, 'on the true faith of a Christian,' without the sanction and support of an Act of Parliament."—[3 *Hansard*, cxiii. 434.]

But what were the words of the noble Lord's master and instructor, the Attorney General upon that occasion? Sir John Romilly said:—

> "Here was a statute which compelled an oath to be taken. Could they tamper with that statute; could they say there was any part of the oath which was not of the substance of the oath; could they say where they had an oath in which there was the common adjuration at the end 'So help me, God!' could they say that the clause previous to that 'on the true faith of a Christian' meant the same thing, and was to be treated simply as a synonymous expression, and might therefore be dispensed with and struck out? He must say he was not able to come to that conclusion; and though a great deal of ingenuity had been expended on the point by his hon. and learned Friend, nothing that he had alleged was, in his view, able to get over the plain and common sense meaning of the statute. Here was an oath which was to be taken in certain set words. It was a statute they were bound to obey. They had not the power to vary it."—[3 *Hansard*, cxiii. 507.]

The noble Lord was so instructed in the year 1851, when Mr. Alderman Salomons, having been returned for Greenwich, came to the table, and having attempted to qualify himself by taking the oath of abjuration with the omission of the words "on the true faith of a Christian," refused to withdraw from the House upon the assumption that he had a legal right to remain, having so taken the oath. The noble Lord upon that occasion also put himself prominently forward; he himself moved that Mr. Salomons should withdraw; he defeated an Amendment which was made, declaring the seat for Greenwich to be full by the election of Mr. Salomons, and having carried his Motion that Mr. Salomons should not be permitted to remain in the House, he moved a Resolution, which he also carried, in the following terms:—

> "That David Salomons, Esq., is not entitled to vote in this House, nor sit in this House, during any debate, until he has taken the oath of abjuration in the form appointed by law."

The noble Lord saw the danger upon those two occasions of attempting to seat a Jew by means of a Resolution of this House, and without the aid of an Act of Parliament; but I cannot help fearing, from the observations which he has made as to some doubt which he entertains whether the law had been properly laid down to him on those occasions by his Attorney General, that he is really now of opinion that he can by means of a Resolution, by the aid of this suddenly discovered Act of Parliament, carry out all that he has in view. As he has chosen to discuss this matter, and to enter into an argument upon the Act of Parliament, in order to prepare the unbiassed and impartial minds of the Committee, I hope he will forgive me if I follow his example; and I hope the House will bear with me for a few moments while I show that nothing can be more absurd or unreasonable than the opinion that this Act of Parliament can apply in any way to this particular case. The noble Lord says he leaves it, not to wiser, but to more technical heads—to a Committe of twenty-five Members, besides all the Gentlemen of the Long Robe — Members of this House—I can't promise him many at this period of the year—to put a construction on this Act. But I do not think it requires a lawyer to put a construction on the Act. Any person of fair intelligence looking at the objects of the Act which the noble Lord has described, will find that its words speak plainly for themselves, and that they entirely exclude this particular case. The noble Lord says that this Act was intended to prevent frivolous oaths; and then, with an ingenuity not surprising in him, he tells us that the Legislature went upon an ascending scale; having first got rid of frivolous oaths in matters of Customs and Excise, that they then rose to the Treasury, and by this 8th clause to the two Universities, and other bodies politic and corporate. In this clause the Legislature was incautious enough to insert the words, "all other bodies," which words the noble Lord argues include this House, since this House is a body politic, and is empowered "by statute and valid usage to receive and administer oaths, solemn affirmations, and affidavits." I will read the words of this extraordinary clause which is to do such wonders, and I will ask any one of plain understanding whether it is not apparent upon the reading of them that these words were not intended by the Legislature to include the House of Commons? The clause runs thus:—

"And be it enacted, that it shall be lawful for the Universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute, or by any valid usage, authorized to administer or receive any oath, solemn affirmation, or affidavit to make statutes, by-laws, or orders [the noble Lord would here insert 'standing'] authorizing and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit now required to be taken or made."

Then comes the proviso,—and there is something very saving in this proviso:—

"Provided always, that such statutes, by-laws, or orders be otherwise duly made and passed according to the charter, laws, or regulations of the particular University, other body corporate and politic, or other body so authorized as aforesaid."

The very reading of these words is sufficient to show that the House of Commons was certainly not intended to be comprehended in them, for it clearly refers to bodies corporate and so on, governed by laws, charters, and regulations. "But," says the noble Lord, "how hard it is upon the Jew; he is met at every turn —first of all by a strict interpretation of an Act of Parliament, and then by a lax interpretation." The noble Lord told us, and I am glad to hear it, that we are likely to have the benefit of hearing the opinion of the Attorney General in the course of this discussion. I quite concur in all that the noble Lord has said of the great legal knowledge and intelligence of my hon. Friend the Attorney General, of which the House has recently had such an excellent opportunity of judging; but my hon. and learned Friend will very much disappoint me if he lends the weight and authority of his reputation to the construction which the noble Lord has put upon this Act. If I am to have my hon. and learned Friend for an opponent, he will concede to me, I am sure, that it is one of the commonest rules of interpretation, that where there is a specific enumeration of persons or things, followed by general words, that those general words must be applied to persons or things of like kind; and I would ask whether the words in this clause, "all other bodies," must not be interpreted to mean all bodies like to corporations—bodies *quasi* corporations? Another rule is, that where an Act of Parliament begins with an enumeration of persons or things of a lower class, and then contains general words, that those general words cannot be applied to things of a higher class. It has been held, for instance, that where an Act of Parliament contains the words, "deacons, priests, archdeacons, deans, and others having spiritual preferment," that those words do not include bishops, because they were of a higher order than those enumerated in the Act, although it might be supposed that they were included in the general words, "others having spiritual preferment." But there is another consideration. Suppose you should convert this oath into a declaration, it would be impossible to get rid of the substantial part of the oath, and it has been decided over and over again, not only in this House, but in the courts of law, that the words "on the true faith of a Christian" are a substantial and essential part of the oath. I stated that the proviso was important in this matter. It shows most clearly that the provision of the Act cannot apply to this House. That proviso is that any order which is made is not to be contrary to "the charter laws or regulations of the particular University, or other body politic or corporate, or other body so authorized as aforesaid." That clearly shows that it relates to bodies which have governing charters or regulations. The noble Lord has said that the House in the case of Mr. Pease did by a Resolution get rid of the words "on the true faith of a Christian" from the declaration or affirmation. I earnestly entreat the House for a moment to consider this, which is constantly referred to by the noble Lord and by those who support Baron Rothschild, as an authority and a precedent in this matter. Did the House by a Resolution get rid of the words "on the true faith of a Christian?" No. If the noble Lord will have the kindness to turn to the 8 *Geo.* I. he will find that a form of affirmation was given for every case in which it was to be taken, and that the form of affirmation to be taken by the Quaker in lieu of the oath of affirmation omits the words "on the true faith of a Christian." Then comes the 22 *Geo.* II., upon which Mr. Pease was seated. By the 22 *Geo.* II., c. 6, it was provided,—

> "That in all cases wherein by any Act or Acts of Parliament now in force, or hereafter to be made, an oath is or shall be allowed, authorized, directed, or required, the solemn affirmation or declaration of any of the people called Quakers, in the form prescribed by the said Act, made in the eighth year of his said late Majesty's reign, shall be allowed and taken instead of such oath, although no particular or express provision be made for that purpose in such Act or Acts."

So that, so far from the House seating Mr. Pease by virtue of a Resolution that the words "on the true faith of a Christian" might be omitted, as has been over and over again asserted, that was done under an Act of Parliament the 8 *Geo.* I.;—he was seated under the general words of which the 22 *Geo.* I., provided that in all cases in which an oath was required a Quaker should be allowed to make an affirmation in the form prescribed by the 8 *Geo.* I. The noble Lord has adverted to the fact that an Act of Parliament was subsequently passed to remove doubts which were said to have existed in the minds of some unreasonable persons. Now, I believe that that Act of Parliament was passed in consequence of a doubt being entertained as to whether Mr. Pease could sit upon an Election Committee without being sworn. I am not one of those persons who come within the sarcasm of the preamble to which the noble Lord has referred. I think that the Acts of George I. and George II. were sufficient, and that there were upon them no doubts that Mr. Pease might affirm upon acting on an Election Committee as well as upon taking his seat in this House. At the same time, for the noble Lord over and over again to urge this upon the House as an authority for seating Baron Rothschild seems to me not to be consistent with the research and the diligence which the noble Lord has invariably displayed in these matters, with the exception of this unfortunate Act 5 & 6 *Will.* IV. I do not want to go into the argument to which the noble Lord—I was going to say has provoked, but I will say has invited me—with regard to the general question of the right of the Jew to sit in the Legislature. I do not think that this is an occasion upon which I am called to enter into that question. At the same time I must make a single remark upon the extraordinary course which the noble Lord has pursued with regard to nominating this Committee. The noble Lord has pursued an unusual course in proposing to nominate the Committee at the same time that he moves its appointment. But he may say that he is pressed for time, and therefore it is important to save a day. That is a very good answer to anything which might be said upon this subject; but I think that upon a question which he considers of so much importance the noble Lord might have turned a little attention to the previously expressed opinions of the hon. Gentlemen who are, according to his Motion, to form the Committee. There are upon it twenty-five names, and those who have invariably opposed the admission of Jews number but six, while there are nineteen who are known supporters of the Jews. Now, do not let it be supposed for a moment that I mean to say that any hon. Members who may be selected as members of this Committee would violate their duty or decide contrary to their convictions; but I am old enough to know what is the effect of preconceived opinion and impression upon these matters. I confess that when I am the advocate of one side or the other I never feel myself so impartial as to think that there is much reliance to be placed upon my judgment; and therefore I do think that hon. Gentlemen who fairly and justly entertain strong opinions upon this subject, and have manfully and consistently maintained them, may have such impressions upon their minds that they may see the force of arguments in a manner totally different from what they would if their minds had been perfectly free and unbiassed. On that account, although considering what is the opinion of the majority of this House, I do not expect that the noble Lord will give us a Committee in equal terms—if I may use that expression—although I must expect that he will take the benefit of a considerable majority—it does strike my mind that he has a little o'erflown the measure, he has gone a little too far, and has not dealt quite right with us in the names which he has selected to form his Committee. And, then, not satisfied with this, we are to have a flood of gentlemen of the Long Robe, who may attend; and why those who are named are so honoured, and are not allowed to come in under the general description, I do not know. Does the noble Lord think that the general description does not apply to us? This is a large Committee. How many Gentlemen may at this period of the Session find it convenient to attend, how many of those unknown Members who lie behind under the general term of "Gentlemen of the Long Robe" may avail themselves of their privilege, it is impossible for me to say; but I put it to the noble Lord's fairness and candour, whether he really thinks that he has done us justice in selecting a Committee of the complexion to which I have called attention? I have thought it right to press these observations upon your attention. I shall certainly not divide the House upon the Motion for the appointment of this Committee, but I do trust that when we come to its nomination we shall find that some little justice will be done to us. If we do not, I am quite prepared to resist so far as to enable us to get that justice to which I think we are entitled.

Colonel FRENCH said, that the object of the noble Lord was not, as the hon. and learned Gentleman had sought to represent, to supersede the authority of the House of Lords, and seat Baron Rothschild by a Resolution, but to refer an existing Act of Parliament, which had already received the concurrence of the House of Peers, to a Committee to be composed chiefly of men the most eminent for their knowledge of constitutional law and of the rules of that House, or for legal attainments. The hon. and learned Gentleman asked why this Act had not been brought forward before? He believed that the reason of that was that it was not known. If he was correctly informed, it was a gentleman of great legal knowledge, Mr. Anderton, the Under Sheriff, who, on reading over the Act, was struck by this clause, and brought it under the consideration of the Attorney General. That hon. and learned Gentleman read it, and expressed his opinion that there could be no doubt whatsoever as to the legal meaning of the words, and his surprise that his attention had not been called to them before. No unlearned person reading this clause could doubt that according to it the House had power to make a declaration under which the Member for the City of London, Baron Rothschild, could take his seat.

Mr. GARNETT said, he had voted with the Government in favour of the Bill introduced by them for enabling Jews to sit in Parliament; but, after that measure had been rejected by the House of Lords, and the noble Member for the City of London moved for leave to bring in a Bill to amend the 1 & 2 *Vict.* chap. 105, it appeared to him, from the temper exhibited by those who supported the noble Lord, that they were about to embark in a course of proceeding which might be attended with more or less danger not only to the character and dignity of that House, but to the constitution of the country. Now, however much he was attached to the theory of civil and religious liberty, he was more attached to the practical security of our glorious constitution. The course the noble Lord was pursuing seemed likely to bring that House either into direct collision with the House of Lords, or, what was still worse, into collision with the courts of law, and he had therefore thought it his duty as a humble Member of Parliament to give his vote against the Motion of the noble Lord. If that House had the right of exercising a control with respect to measures sent down to them by the House of Lords, surely the House of Lords had an equal power of deciding upon any measures sent to them by the House of Commons. He had no objection whatever to see a Jew take his seat in that House, and he had voted for a measure which would have accomplished that result from mixed motives. His impression was that they had arrived at such a condition of things as between the Church of England and the State that it was necessary to have some decided proof that no identity existed between the House of Commons and the Church of England, and by admitting Jews into that House a proof would be afforded that such was the case.

Viscount PALMERSTON: I am not going to enter into the arguments either of my noble Friend in favour of the interpretation he is desirous to put upon the Act of Parliament to which his Motion refers, or of the hon. and learned Gentleman opposite who dissents from that interpretation. I am only going to say that I concur in the Motion of my noble Friend. I think the matter is one of sufficient importance to justify its being referred to a Select Committee as proposed by the noble Lord; and therefore I simply acquiesce in my noble Friend's Motion, reserving myself entirely free as to any opinion I may form of the interpretation to be put upon the Act, or of the observations the Committee may report as the result of their inquiry.

Mr. NEWDEGATE would ask whether the noble Lord at the head of the Government approved of the mode of selection proposed, which was a most unusual course to take. The House ought to resolve in the first place that a Committee should be appointed, and then proceed to resolve that it do consist of twenty-five members, and then to nominate the members individually; but in this instance it was proposed to lump the whole together, and this, as it appeared to him, was a most unusual proceeding.

Mr. SPEAKER put the first Resolution for the appointment of a Select Committee.

Motion *agreed to nem. con.*

Lord JOHN RUSSELL then moved, "That the Committee do consist of the following twenty-five members," and was proceeding to read the names of the Committee, when

Sir FREDERIC THESIGER rose to order. The noble Lord seemed to him to be anticipating the Resolution of the House, which had not yet determined that the Committee should consist of twenty-five members. He apprehended that the noble Lord should, in the first instance, move that the Committee do consist of twenty-five members, and if that Resolution were agreed to that he should then nominate the Committee.

Lord JOHN RUSSELL said, no doubt the mode of proceeding suggested by the hon. and learned Gentleman was the course usually adopted; but if he moved that the Committee consist of twenty-five members he would exclude many members of the legal profession, whose assistance would be most valuable to the Committee. It was the practice in old times to move such Resolutions in the form he had proposed, and Mr. Speaker would doubtless say whether the rule had been altered.

Mr. SPEAKER said, that the form proposed by the noble Lord was in conformity with the ancient practice of the House, when the Committee was to exceed a prescribed number; it would, however, be necessary to put the proposition in two distinct Resolutions; and the mode in which he was about to put it would raise the question.

Viscount PALMERSTON suggested that the noble Lord might frame the Resolution in these terms, "That the Committee do consist of all Members of the Long Robe, and the twenty-five following Members.

Sir FREDERIC THESIGER expressed some doubt whether the noble Lord could at present move the nomination of his Committee. The House had determined that the Orders of the day should be postponed until the Motion of the noble Lord had been considered, but they had not determined that the Orders of the Day should be postponed until the noble Lord's Committee was nominated. The House had considered and adopted the noble Lord's Motion for the Committee; but it was anticipating the Resolution of the House to say that it should consist of twenty-five certain members. The House had not yet resolved whether it should consist of twenty-five or any other number.

Lord JOHN RUSSELL observed that the hon. and learned Gentleman had very accurately assumed, in his former speech, that it was in consequence of the urgency of the time that he (Lord John Russell) had proposed to follow a course frequently pursued under similar circumstances, and now to nominate the Committee. He had given due notice of his Motion in the Orders, and if the hon. and learned Gentleman pressed his objection, and forced his Motion down to the end of to-night's business, and perhaps of every night's business during the week, the help the hon. and learned Gentleman had seemed to tender at the commencement of his speech would be entirely useless. He (Lord John Russell) did not think it desirable to adopt the suggestion of his noble Friend (Viscount Palmerston), for a Resolution in that form would seem to imply that the hon. and learned Gentleman nominated on the Committee were not "gentlemen of the Long Robe." He would, therefore, simply move "that the Committee do consist of twenty-five members."

MR. BENTINCK said, he was at a loss to understand upon what ground the noble Lord urged the nomination of the Committee with so much haste. He (Mr. Bentinck) strongly objected to the noble Lord's mode of proceeding, and he did not think the circumstance that the close of the Session was fast approaching was any reason for departing from the usual practice of the House. That practice invariably was that the House, having acceded to a Motion for the appointment of a Committee, the Committee should be named, and after proper time had been allowed for consideration the House should be called upon to decide on the constitution of the Committee. He (Mr. Bentinck) thought, therefore, the course now proposed by the noble Lord was fairly open to objection. This was neither more nor less than an attempt on the part of the noble Lord to introduce a second Jew Bill during the same Session. That course might not be unconstitutional according to the letter of the law and the custom of Parliament, but he (Mr. Bentinck) maintained that in spirit it was highly unconstitutional. He would put it to the Speaker whether the noble Lord was proceeding in conformity with the rules of the House?

MR. SPEAKER said, there was nothing irregular in the Motion of the noble Lord.

MR. ROEBUCK said, it was an exclusive proposition to put it that the Committee should consist of "the following twenty-five members." No other name could be added to it. He would suggest, that the question should be put in such a form as would entile all gentlemen of the Long Robe, Members of the House, to be of the Committee.

LORD JOHN RUSSELL said, he was in the hands of the House as to the form of putting the Resolution.

MR. SPEAKER said, it appeared to him the correct mode of putting the Resolution was, that the Committee consist of twenty-five Members and of all the gentlemen of the Long Robe Members of that House.

MR. HILDYARD said. that among the twenty-five names proposed, there were many gentlemen of the Long Robe.

MR. SPEAKER said, that twenty-five Members would be nominated by the House, and all other Members of the House who were also gentlemen of the Long Robe would be upon it.

MR. CONOLLY said, in common with many of his hon. Friends around him he was at a loss to understand what really was the question before the House. They had now three questions before them, and he should like to know which of those questions he was to offer his opinion upon.

SIR HENRY WILLOUGHBY asked if the noble Lord the Member for the City of London wished his Committee to consist of more than 100 Members? He believed there were ninety-seven Members of the bar in the House, and if twenty-five others were added the Committee would consist of 122. Now, he did not think such a Committee would do much work in the dog-days.

MR. SPEAKER suggested that, by a slight alteration, the Resolution might be put thus,—That the Committee do consist of twenty-five Members to be nominated by the House, and of all the gentlemen of the Long Robe, Members of this House.

MR. COX rose to remind the House, that there were Members of that House belonging to the legal profession who were not members of the Long Robe. There was the hon. Member for Sheffield (Mr. Hadfied), for instance, and himself. Now, he did not suppose that the addition of two or three names to the Committee would make much difference, and he thought that his hon. Friend and himself might be included. For himself, he was particularly desirous of being on the Committee, for 2,000 or 3,000 of his constituents were of the Jewish persuasion, and he was sure they would be better satisfied if one of their representatives was placed upon the Committee, by whom a question so important to them was to be decided. He would move that the words "Legal Profession" be substituted for the words "Long Robe." He understood the noble Lord had no objection to the alteration.

MR. WARREN said: One word on the last proposal by the hon. Member for Finsbury. It seems the noble Lord the Member for the City of London will have us gentlemen of the Long Robe on his Committee, and the House too seems of that opinion: but gentlemen of the Long Robe are in the habit of being paid fees for their opinion; and, in that point of view, it is very agreeable to us to have a brace of Attorneys on the Committee, to look after that little matter.

Mr. FITZROY suggested that the course to be taken with respect to the hon. Member for Finsbury (Mr. Cox) and the hon. Member for Sheffield (Mr. Hadfield) would be for some Member to propose the addition of their names to the Committee when it was proposed to nominate the members of it.

Sir FREDERIC THESIGER apprehended that could hardly be done, for if the Committee were to be selected that night notice must be given in the usual way before any fresh names could be added to it.

Mr. HENLEY said, there were already fifteen hon. and learned Gentlemen upon the list of the Committee, and if the Resolution were put in the form last suggested the House would be in the position that they would have to find other ten names to make up the Committee of twenty-five, exclusive of the gentlemen of the Long Robe.

Mr. LABOUCHERE said, he thought the alteration suggested by Mr. Speaker met the difficulty.

Lord JOHN RUSSELL submitted that they had better adopt the proposition made by Mr. Speaker.

Mr. SPEAKER then put the Question, that the Committee consist of twenty-five members nominated by the House, and all the gentlemen of the Long Robe, Members of the House.

Mr. BENTINCK rose to speak on the Resolution,

Mr. ROEBUCK rose to order, and said that the Question having been put from the Chair the hon. Gentleman could not speak upon it.

Mr. BENTINCK rose to order. The Question now before them was a new Question, and he held that he had a right to speak upon it.

Mr. SPEAKER: The Question is precisely the same as that before the House when the hon. and gallant Member spoke last.

Mr. BENTINCK again rose, and submitted that the Question the Speaker had now put was not the Resolution they had before them originally, as proposed by the noble Lord. That being the case, he must insist upon his right to address the House. Nothing could show more completely the error into which the noble Lord had fallen, and in which the House was about to follow him, than what had occurred during the last twenty minutes. The noble Lord had taken the unusual course of moving for the appointment of a Committee and proceeding to nominate the Committee on the same day. One who was so well acquainted with the practice of Parliament as the noble Lord, ought certainly to have adhered to those rules by which it was provided that when a Committee was to be nominated Members should have due notice of the names proposed, and the opportunity of giving notice of such names as they might desire to substitute.

Sir HENRY WILLOUGHBY considered the Resolution as now submitted was an Amendment upon the original Motion—and therefore it was open to Members to speak upon it.

Colonel KNOX remarked that the proper course would be for some hon. Member to propose the Amendment in the usual way, and then they would have had the opportunity of discussing it.

Mr. SPEAKER: There was some difficulty in carrying out the proposition in accordance with the orders of the House. I suggested the alteration of a single word in the Resolution to meet that difficulty, This the noble Lord the Member for London adopted, and in the form, as so altered, the noble Lord's Resolution was proposed and put from the Chair.

Select Committee *appointed*,—

"To consider whether the Act 5 & 6 *Will.* 4, c. 62, is applicable to Oaths appointed by law to be taken by Members of this House at the table, previously to their taking their seats, and in what manner the said Act can be so applied, and to report their observations thereupon to the House."

Ordered,—

That the Committee do consist of twenty-five Members nominated by this House, and all Gentlemen of the Long Robe Members of this House.

Sir FREDERIC THESIGER urged that there was a strong reason for not proceeding with the nomination that evening. There was a great desire on the part of many Members on that side of the House that some other names should be substituted for some of those proposed by the noble Lord. Under the circumstances, the noble Lord was aware that all they could do was to strike out those names to which they objected, as by the Orders of the House they could not move to substitute other names without giving previous notice. He trusted the noble Lord would be induced to postpone the nomination to a future day.

Lord JOHN RUSSELL said, he really thought the objection of the hon. and learned Gentleman was attributable to the unfortunate position in which he and those who agreed with him stood in the House. According to party distinctions there was as fair a division in the constitution of the Committee as could possibly be; but it so happened that some of the most distinguished members of the party to which the hon. and learned Gentleman belonged were in favour of the emancipation of the Jews. He could not leave out of the Committee the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), or the right hon. Baronet the Member for Droitwich (Sir J. Pakington), or the noble Lord the Member for King's Lynn (Lord Stanley). They were persons with whose general politics he did not agree, although upon this subject they were too enlightened to oppose the views of which he was the advocate. He was disposed to go on with the nomination of the Committee, and would move "that Viscount Palmerston be a Member of the Committee."

Motion made, and Question proposed, "That Viscount Palmerston be one of the Members of the said Committee."

Mr. NEWDEGATE must be allowed to state, that in consequence of what had fallen from the noble Lord the Member for the City of London, it would appear that the presence of some 200 Members of that House was about to be ignored altogether. They might have the misfortune of differing from certain hon. Gentlemen on their own side of the House, still the question before them was one which affected the whole House of Commons; and, therefore, on the part of more than 200 Members he claimed a fair opportunity for discussing the constitution of the Committee, and he would call upon his friends now to associate together in the assertion of their constitutional rights. The constant endeavour had been to represent that this was a struggle between the House of Lords and the House of Commons, and that not a single Member of the House worthy of consideration was opposed to the measure. It was evidently, therefore, a question touching the independence of 200 Members of that House, and unless due opportunity was afforded them of discussing the nomination of the Committee he trusted those 200 Gentlemen would show that they were capable of forcing upon the attention of the very Liberal majority the fact of their existence. He would be very loth to have recourse to anything bearing the slightest appearance of foul play; still he must acknowledge he was not disinclined to have recourse to the forms of the House to defeat a measure of that important nature, when it was attempted to be brought forward at two o'clock in the morning. The noble Lord, however, had endeavoured to vindicate his claim. Well, he (Mr. Newdegate) hoped that those who acted with him would manifest a similar determination, and refuse to be balked of their claim. And although, unfortunately, they might be deprived of the leadership of certain hon. Gentlemen on the front benches, still he was happy to say they were not without leaders even on that bench—Gentlemen who were recognised as the real leaders of the Conservative party of this country. He would move, then, that the nomination of the Committee be postponed, in order to allow him and his friends an opportunity of submitting to the House a notice indicative of their opinions with reference to the constitution of the Committee. He had no desire to oppose this inquiry if adequate grounds could be shown for it; but it should be remembered that the present notice had only made its appearance on Saturday morning, and consequently that was the first opportunity which had been offered of giving notice of objection to the constitution of the Committee. Feeling, then, that no other means were open to him of frustrating what he must designate as this deliberate attempt to interfere with the privileges of Members of that House, he should move that the nomination of the Committee be postponed.

Mr. SPOONER seconded the Amendment.

Lord JOHN RUSSELL said, he would not follow the hon. Gentleman opposite into the personal considerations which he had raised. At the same time he could not overlook the fact that it was owing to the kindness of his noble Friend at the head of the Government in postponing the Orders of the Day that he had been allowed to bring forward the question that evening. That would make him very unwilling to stand in the way of the ordinary business of the day, and which, no doubt, his noble Friend was anxious to push forward. If, therefore, his noble Friend should prefer it, he would postpone the nomination of the Committee until to-morrow, subject, however, to the presumption that in case the nomination was postponed, advantage would not be taken of the circumstance to throw fresh obstacles in the way of the Committee being formed.

VISCOUNT PALMERSTON said, he had postponed the Orders of the Day hoping that the Motion of the noble Lord would not altogether defeat the progress of other business to-night. Perhaps the course now proposed—namely, to give notice of the nomination of the Committee for to-morrow—would be the best, and he would promise that it should have precedence.

LORD JOHN RUSSELL: At the evening sitting?

VISCOUNT PALMERSTON assented.

MR. HENLEY called the attention of the noble Lord to this fact, that putting aside for a moment the names of Gentlemen who were Gentlemen of the Long Robe, there were thirteen Members not of the Long Robe, including the right hon. Baronet the Secretary of State for the Home Department (Sir G. Grey), and the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), who, though hon. and learned, were not usually classed with hon. and learned Gentlemen. But of those thirteen only two opposed the views of the noble Lord. He thought thirteen to two was rather too great a disproportion.

LORD JOHN RUSSELL said, he thought there were four opponents of the Oaths Bill on the Committee.

MR. HENLEY said, that as the noble Lord had made an error in counting he hoped he would now correct it.

LORD JOHN MANNERS suggested that the noble Lord should not depart from the usual and salutary practice in the appointment of Committees—that of consulting with the leading members who were opposed to the course which it was proposed to take as to who should be nominated.

SIR FREDERIC THESIGER did not intend to offer any factious opposition to the noble Lord, but wished it to be distinctly understood that he might propose some alterations in the constitution of the Committee.

MR. BENTINCK, in order to prevent misconception, called the attention of the noble Lord to the fact that no pledge had been given by a large body of Members on the Opposition side of the House as to the course they might take to-morrow. If the noble Lord was determined to press two Jew Bills through the House in one Session he must expect to find a determined opposition given to a proceeding at once so unusual and so unconstitutional.

SIR HENRY WILLOUGHBY thought that the Committee was very unfairly constituted, and hoped the noble Lord would revise the list of Members, which at present stood nineteen to six.

Debate *adjourned* till To-morrow.

BEVERLEY ELECTION.

House informed, that the Committee had determined,—

That Edward Auchmuty Glover, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Beverley:

That the last election for the said Borough, so far as regards the return of Edward Auchmuty Glover, esquire, is a void election.

And the said determinations were ordered to be entered in the Journals of this House.

PROBATE AND LETTERS OF ADMINISTRATION BILL.—COMMITTEE.

House in Committee.

MR. MALINS said, that when the Chairman reported progress on the last occasion that this Bill was in Committee, he was proceeding to move a clause to secure to the proctors compensation for the loss of their practice, of which the Bill would deprive them, and as he now rose with the same object in view as originally framed, the Bill confined the business of the District Courts of Probate to wills in cases where the property was under the value of £1,500; but upon a division, that proposition was negatived by the House. It was subsequently proposed to extend the limit to £3,000, but that proposition was also objected to, and negatived without a division. The Government then proposed to make a limit as to the nature of the property which was to be proved in the district courts, and included the cases of wills where there was Bank stock, East India stock, and other like descriptions of property. This proposition, however, met with the same fate as the previous proposals of the Government, and the result was that the District Courts had jurisdiction, under the Bill as it stood, in all cases, whatever the nature or the amount of the property embraced by the probate. The nature of the Bill had consequently been altogether changed since its first introduction into that House. It had originally formed no part of the Government scheme to grant compensation, and as the Bill then stood, there was less ground for asking it; but the business of the proctors in Doctors' Commons would, if the Bill passed in its present shape, be altogether annihilated. In the observations which he should make, he should refer chiefly and primarily to the claims of the London proctors; but those of the diocesan courts of Chester, York, Durham, &c., stood upon the same footing. The proctors of Doctors' Commons were from 114 to 120 in number. They were a body that had enjoyed their exclusive privileges for a period of not less than six centuries. They enjoyed the exclusive privilege of proving wills affecting personal estate, whether proved in the common form or the solemn form, and taking out letters of administration, in the Diocesan Courts of London and the Prerogative Court of Canterbury. Their duties had been very extensive and very valuable. When he said valuable, let it not be understood that the occupation of a proctor was lucrative—it was not so. As a body there were no more respectable men in England than the proctors. Their office, however, was not one in which they could accumulate large fortunes. But it was a kind of business that had been in families for several generations. The effect of the Bill would be at once to annihilate the whole of their occupations. Was such a proceeding wholly for the benefit of the public? This business, which had been so conducted for a period of six centuries, was by universal consent admitted to have been conducted for the benefit of the public. No complaint had ever been made against the manner in which the business had been transacted by the proctors. That it had been conducted satisfactorily was stated in the Report of the Chancery Commission, in which there was a recommendation that it should not be thrown open to attorneys or solicitors; but if it was thrown open, that the proctors ought to have compensation. When the Bill of the Government on this subject was before the House in 1854, he (Mr. Malins) presented two petitions, one of which was signed by 258 of the first bankers and mercantile men of London, urging that the business of the proctors was well done, with reasonable despatch and great accuracy; and the other signed by 122 of the leading solicitors and conveyancers of London, both deprecating the abolition of the business of the proctors. This proved that the privileges exercised by these gentlemen were not exercised solely for their own benefit, but greatly for the benefit of the public. This Bill annihilated all those privileges, and he having been in constant communication with the whole body of these gentlemen, was informed that if the Bill passed it would be in vain for them to attempt to pursue their occupation. As the Bill originally stood it limited provincial probates to £1,500, and excluding Government Stock and East India Stock, and the hon. and learned Attorney General resisted all appeals for compensation on the ground that it would not affect the business of the London proctors. Even if the Bill had limited the provincial probate to sums of £1,500, that business was 79 per cent of the whole business of the probate courts, and that would have taken away just so much of the business of the London proctors. No less than 41 new districts for proving wills, which could only before be proved in Doctors' Commons, were introduced by this Bill, each of which took away a proportion of the business heretofore done in Doctors' Commons; and, in fact, Doctors' Commons would be only the forty-second district for London. All the proctors of York, Durham, Norwich, &c., had the power of practising as proctors in London; and the Judge of the Probate Court had unlimited power to grant the same privilege to as many persons as he thought fit. He had been speaking only of common form business; but the greatest amount of business arose from the contentious business, and that used to be the exclusive privilege of Doctors' Commons. By the Bill all that was swept away, and the whole body of 10,000 solicitors were admitted to participate in this business. The noble Lord (Viscount Palmerston) on a former occasion conceded that the York and Chester proctors ought to have compensation; on which he (Mr. Malins) pressed on the noble Lord that the principle of compensation had been conceded; because if the business of the York and Chester proctors was swept from the face of the earth they were therefore entitled to compensation. Now that this Bill was about to sweep the business of the London proctors away, ought not the same principle of compensation to be applied to them? If he showed that it was possible, without throwing a farthing of burden on the public, to give compensation to these gentlemen, he felt that confidence in the justice of the House of Commons as to believe that it would not sacrifice a body like this for the public good without the public paying for it. This body consisted of 114 or 120 members, and of them not less than sixty had passed the middle age. Would the House not reflect on the effects which this Bill would produce by annihilating the business of such a body of men—how many wives, children and grandchildren would be brought to penury? He had received statements of numerous cases, and he would mention one or two of them. One gentleman, in a petition to the House stated—

> "That he had been forty-five years a proctor, and by labour and integrity in the discharge of his business had brought up a family of fifteen children, all of whom were adults; the labour of his life had been to educate and place them out in life, that he had not kept horses, carriages, or livery servants, but that he had not been able to lay by anything, and he had no resource for leaving anything to his family, except by life insurance: that he was sixty-seven years of age and had an invalid wife, five unmarried daughters, and three sons yet unprovided for; besides several grandchildren who had lost their parents, and if this Bill passed, it would consign them to a situation of great struggle; and besides one of his sons had entered into articles to the same business, in order that he might succeed him."

He (Mr. Malins) could not believe that the House of Commons could treat a gentleman like this in such a manner as to turn him out on the world. Another of these gentlemen stated,—

> "That at twenty-one years of age he was articled to a proctor, paying a premium of 800 guineas."

It ought to have been stated that this profession, though not lucrative, was a very expensive one, and premiums of 1,000 or 800 guineas were often paid on entering into articles, and the expense of being admitted as proctor was not less than £1,200. The petitioner went on to say—

> "That the expenses of his education had been very great, that he had invested a large sum in entering into a partnership, and had nine children dependent upon him."

Another stated,—

> "That at twenty-two years of age he was articled to a proctor, paying a premium of £1,200; that the stamp duty on his articles was £120, and that the fees and stamps on his admission amounted to £200."

Another stated,—

> "That he was in his forty-second year, with a wife and six children, the eldest of whom was under ten years of age, and that he was wholly dependent on his professional income; that he had entered into a partnership for life with a partner eighty-four years of age, who from age and infirmity had not given him any assistance for many years; that he paid annually £150 as a special premium on an insurance on his life, in order to provide for his children, which would be totally lost to him if this Bill passed."

He had related these out of many cases, in order to show that all these gentlemen's plans of life were founded on the permanency of their profession, and if that was swept away they ought to have some compensation. The Commissioners had expressed an opinion that if the profession of the proctors was not preserved as an exclusive profession, justice demanded that some compensation should be made to them for the loss which they would suffer. But besides this, he had what might be called a Parliamentary title to compensation for them, for this was not the second or the third Bill which had been introduced on this subject. Bills had been introduced in 1855 and 1856, both under the auspices of his hon. and learned Friend the Attorney General, and what course had the Government pursued? The clauses which he (Mr. Malins) was now about to propose were identically the same as those proposed by the Government in their Bills in 1855 and 1856. How could that which was justice in 1855 and 1856 fail to be justice in 1857? But another Bill on this subject was introduced in 1854, in which exclusive privileges were granted to proctors for ten years; but when that provision came to be discussed, it was found to fall short of justice, and it failed. The principle was carried further in the Bill of 1855, and in that Bill it was proposed to do what he now proposed to do in the clauses of which he had given notice. How had this question been dealt with by the Government? He would read an extract from a speech of his hon. and learned Friend the Attorney General on that occasion. He said—

> "Then there remained the question of the proctors. It was first proposed to give to these gentlemen a priority of business in the new court for some time; but that course was afterwards thought to be not fair towards those gentlemen. He had a great desire to meet, in a liberal spirit, the fair claims of all these gentlemen with regard to the probable loss in their professions; he believed, however, that their apprehensions of loss would turn out to be unfounded, and that when they emerged from the shade of Doctors' Commons into the light of day, and exercised their profession on a more extended arena, their experience, skill, and sagacity, would enable them to compete successfully with solicitors now practising their profession in the courts of Westminster Hall. At the same time, they were entitled to some reasonable equivalent for the risk of loss of practice which they would, at least at first, have to incur. This Bill therefore, proposed to secure to these gentlemen for life an annuity equal to one-half of the clear income now received by each of them from the testamentary branch of their business. That allowance, if it erred at all, would do so on the side of liberality, because the junior class of those who would receive it would, in addition, have a larger field open to their professional exertions by this measure, while the seniors of the body would

receive a handsome retiring pension. The number of proctors in London did not exceed 120, whose own estimate of their professional incomes, derivable from all descriptions of business, did not average more than £700 per annum for each. Computing the incomes of the country proctors at the same amount, though they could hardly be so high, the compensation at the rate of one-half their incomes, to be provided for the entire body, would be £52,150. Adding this item to the other charges before mentioned for the Testamentary Offices, allowances to officers of diocesan and peculiar courts, compensation to Mr. Moore, &c., the whole would amount to £144,150. To meet this charge the annexation of the business of all the minor courts to that of the Prerogative Court, and the continuance of the fees of the latter tribunal would, according to the returns, provide a fee fund of £74,740. This would be the aggregate of the fees of this court. The great saving to the people at large by the change proposed would be in the fact of the public being only obliged to employ one legal man, and not, as heretofore, two—a proctor and a solicitor—which induced the payment of two bills of costs. In the fees of court he did not propose at present to make any material deduction, save in what was called the proctor's fee, which was now calculated on a per centage of the stamp on the letters of probate and administration; and as proctors were to be abolished, that would of course entail the abolition of the proctor's fees. The substitute for this fee he proposed should be this. By a return made to the House, he found that the proctor's fee, if the property was sworn under £100, was 9*s*. 2*d*., or within 10*d*. of the amount of the stamp which was 10*s*. He proposed that in future three per cent should be charged on the stamp, so that the public, under the new Bill, when the property was under £100, would be relieved of the proctor's fee, but would have to pay 1*s*. 6*d*. on the stamp. When the property amounted to £8,000 or £9,000, an approximation to the fee now paid to the proctor would be charged. The present fee now paid on such a sum was £3 8*s*. 2*d*., and the proposed charge under the substituted per centage on an amount so large would be £3 7*s*. 10*d*., so that the charge would be always found less than that now paid. So, too, where the estate was £600, the proctor's fee of £2 4*s*. 10*d*. would only be £1 13*s*. This substitute for the proctor's fee he proposed should be paid into the testamentary fund. The income that the proctors would derive from the per centage fee would amount to the sum of £87,953; and this, with other fees, would yield a total of £158,661, which might be taken as the sum likely to be paid yearly in future to the fee fund of the Court. That sum of £158,661 was what they would have in order to meet the current charges of £144,000; thus leaving a margin of £15,000 for other purposes. And this would be effected without any increase in the stamp duty. It must not be considered that the £144,000 would be a permanent charge against the fee fund—such would not be the case; and if the business of the Court increased, the fees would be augmented, and the fund would be increased proportionately. This fund would be raised without entailing any new burden on the suitors of the Court. He hoped this was a plan which all might support, because it did not burden the public, or deal injuriously with vested interests."

That was the proposition of the Government in 1855. Then came the Bill of 1856, which in this respect was to the same effect. He would not trouble the House with what his hon. and learned Friend said on the second occasion, as it was to much the same effect. His hon. and learned Friend, when he introduced the present Bill, intended to preserve to Doctors' Commons all the common form business, and there was a semblance of a reason for denying compensation to the proctors; but alterations had been made in the Bill in Committee, which it was admitted annihilated their business for the benefit of the public, and the public was bound to compensate them. He trusted his hon. and learned Friend would consider the necessity of conceding the claims of the proctors, which were so founded on the principles of justice, that he should be disappointed if the majority of the House did not concur in them. Now what had been the practice of Parliament in similar cases? The House had on many occasions adopted the principle that when institutions were abolished or altered for the good of the public, it was a matter of justice to err on the liberal rather than on the illiberal side. He would take as an instance the alterations in the Court of Chancery. When the Masters' offices were abolished, the Masters, ten in number, with salaries amounting to £2,500, received the full amount of those salaries as retiring pensions, although some of the Masters had held their office only three or four years. Then again there were the Six Clerks, some of whose incomes amounted to £7,000 a year. In that case Parliament went too far, for the amount was allowed for their lives, and pensions to their widows. [The CHANCELLOR of the EXCHEQUER: Those were offices.] The Six Clerks held no offices; they were only solicitors practising in Chancery; in the strict sense of the word they were not officers at all. But if they were, how did that affect the matter? In 1854, 1855, and 1856 the Chancellor of the Exchequer assented to the principle of compensating the proctors, and therefore he was estopped from now objecting that they held no offices, and were therefore not entitled to compensation. But what in fact were the proctors? They held their offices under an Act of Parliament which had secured to them exclusive privileges, which privileges they had exercised greatly for the benefit of the public. Now if these privileges were to be abolished for the benefit of the public, was the Chancellor of the Exchequer prepared to say to these 120 men, "You and your families may turn out to the wind and the air and find shelter where you can—you don't hold any office." He had much misunderstood the right hon. Gentleman's character if he was prepared to act on a ground so unsatisfactory. The right hon. Gentleman would, no doubt, say that the public burdens are great and increasing, and probably would remind them that a large addition to them would result from the passing of the Civil Service Superannuation Bill. Now the proposition which he (Mr. Malins) had to submit to the House was this: He undoubtedly called upon the public to pay a considerable sum of money in the shape of compensation, but no increased burden would be thrown on the public. There were at present certain fees paid on the probate of wills into the probate offices, and he proposed that during the continuance of these compensations such payments should be continued. Assuming that the proctors numbered 120, he proposed to give them annuities for their lives equal to one-half of their emoluments. Most of these men were advanced in years, and probably but few of these pensions would continue payable after a period of twenty-five or thirty years. The country would have no great reason to complain if, when the Government propounded a measure conferring a great public advantage, the price at which that advantage was purchased was the simple continuance for a limited time of the same payments which were now made, and which must undergo a gradual diminution. This proposition, the principle of which had been recognized by the Government, would thus impose no new charge upon the public, and would prevent a respectable body of men from being entirely ruined. He begged, therefore, to move the second reading of the clause, which stood in his name.

The ATTORNEY GENERAL said, it would be necessary in point of form to defer the discussion on the hon. and learned Member's clauses until several clauses to be proposed by the Government had been first disposed of.

Mr. MALINS assented.

Clause (Compensation to Registrars, &c., of existing Courts) brought up and read 1° and 2°.

Mr. HADFIELD said, he would beg to ask for an explanation of the object of the clause.

The ATTORNEY GENERAL said, that by the abolition of the local Courts a number of officers would be entirely thrown out of employment. Some of them had been appointed anterior, and some of them subsequent to the passing of certain Acts which took away the right of compensation. The first class of officers had a legal claim to compensation, which this clause was intended to satisfy. The second class would also receive compensation, but its amount would be regulated on a different scale.

Mr. SALISBURY said, he would move to insert the words "all business" after the word emoluments. His object was to provide for the case of the stamp distributor of the city of Chester, on whom the Bill, as it stood, would inflict great hardship.

Amendment proposed in p. 29, l. 1, after the word "emoluments" to insert the words "or business."

Question proposed, That the words "or business" be there inserted.

Sir HENRY WILLOUGHBY said, he wished to ask the hon. and learned Gentleman the Attorney General for an estimate of the total charge which the Bill would throw upon the country in the shape of compensation. The hon. and learned Member for Wallingford (Mr. Malins) told them that no new burthen was to be imposed on the country, because the sum required was to be raised by fees. But these fees were only another form of taxation, and the House ought to watch how they were levied and how they were spent as strictly as they would any part of the public revenue. It appeared that the country was about to pay a heavy price for the advantages to be derived from this measure; and the least that the House could do was to insist upon knowing the full amount of the obligation to be imposed on the public.

Mr. MALINS explained that he had taken the incomes of 149 proctors, according to the number given in the speech of his hon. and learned Friend in 1856, at an average of £700 a year each; and, granting them compensation equal to one moiety of their earnings, the total sum to be paid out of the fund to which he had referred would be between £50,000 and £60,000 per annum.

The ATTORNEY GENERAL said, he would first answer the question of the hon. Baronet (Sir H. Willoughby). By a return made in 1832, since which time there had been no alteration in the constitution of these courts, the whole amount of the emoluments of the Judges, Registrars, and

Deputy Registrars was given as follows:—Salaries of the Judges, £13,271; of the Registrars, £28,076; and of the Deputy Registrars, £15,851. But then these Judges, Registrars, and Deputy Registrars included a number of persons who would be appointed to offices under the new Bill. The residue would be divisible into two classes of officers—those appointed before the statute 6 & 7 *Will.* IV., cap. 77, and those appointed since that time. The number appointed before that statute was now comparatively small. According to the best result at which he could arrive the aggregate amount of the salaries of the officers to be compensated was £29,000, after making a deduction for the appointment of some of the number to new offices under the Act. That amount represented the salaries of some who were entitled to full compensation, and of others, appointed since the Act of William IV., who were entitled to very limited compensation. He could not tell hon. Members how to work out the rule contained in the clause, because he could not tell the relative number of officers appointed before and since the statute of William IV. That Act was passed twenty-two years ago, and according to the ordinary course of things it was probable that very few persons now in office were appointed anterior to 1835. He would, however, assume that half the number were appointed before 1835, and the result would be that he should have to provide for the half of £29,000, say £15,000, according to the first description of compensation, and another £15,000 under the second. The consequence would be that the sum total of compensation would be certainly less than half the sum of £29,000. That sum would be raised by the fees to be imposed under the Act. It was contemplated that certain fees should be imposed, and that they should be transferred from the Testamentary Fee Fund. The latter fund would have to bear the compensation to be ultimately given, but the Consolidated Fund would be augmented from the Fee Fund. Whatever compensation the House might give would be levied as an additional tax upon the nation. He would not at that moment enter upon the question of compensation to the proctors. What they were then upon was the compensation to officers, and the proposition of the hon. Gentleman (Mr. Salisbury) was that stamp distributors should be included under the denomination of officers, but he (the Attorney General) could not understand that any such person was entitled to be so regarded. It was the habit of the Treasury to give the privilege of distributing stamps to certain persons, who might be appointed on Monday and discharged on Tuesday. The stamp distributor was selected as a man of integrity and standing, and he became *pro hac vice* the agent of the Stamp Office in the distribution of stamps. He was allowed a certain per centage, and might sell a large number of stamps in one year, and a fewer number in the succeeding year. He could not admit that a stamp distributor, who was employed for the hour, the day, or the month, could be entitled to compensation. It was a question, indeed, whether the stamp distributor would not be likely to gain rather than lose by the passing of the Bill, for the House had been told that the greater part of the business would be done in the country, and not in London. The Amendment was wholly untenable, and he hoped the hon. Gentleman (Mr. Salisbury) would not press it.

Sir FITZROY KELLY remarked, that he could not understand the process by which certain fees would be imposed under the Act, then paid into the Consolidated Fund, and afterwards paid out of that fund in compensation. If Registrars were to be paid by salaries and not by fees, he could understand that the whole of the fees would go into the Fee Fund. But if a gentleman died his executor would take his will to the Registrar, who would receive certain fees authorized to be taken for preparing, engrossing, and stamping probate, &c. The Registrar, not being paid by salary but by fees, would receive these fees for his own use. Were there to be any other fees, or was any fund to be brought into existence and called the Fee Fund, which was to be afterwards transferred to the Consolidated Fund, and out of which the compensation provided by the Act, was to be paid? It was intended that the authorities in London should make out a table of fees, and were they to make out first a table of fees to be paid to the Registrar and next a distinct table of fees to be paid by the suitor, and to constitute the fund for compensation?

Sir HENRY WILLOUGHBY said, that if his calculation was right, the compensation would be much more than stated by the hon. and learned Attorney General. By a document published in 1852 he found the salaries in the twenty-five Courts to amount to £63,000. Were all the recipients of these salaries to receive compensation? If so, how would the sum named by the hon. and learned Attorney General reach them?

Mr. HADFIELD said, he wished to know from what fund the compensation to be paid to the officers in question was to be derived? It would appear from the 6th Clause that the money was to be paid out of the Consolidated Fund, and he, for one, objected to the proposal as a charge which was most extravagant, inasmuch as he was prepared to contend that there were few men who would not be willing to abandon their profession if they were to have one-half of their average annual profits secured to them by way of compensation, as would be the case of the proctors under the operation of the Bill. The hon. and learned Gentleman the Member for Wallingford (Mr. Malins) had referred to the case of the Six Clerks whose offices had been abolished, and who received £30,000 a year in the shape of compensation, but that, he maintained, was one of the most flagrant acts of extravagant expenditure that had ever received the sanction of that House, and afforded no good reason, as the hon. and learned Member seemed to think it did, why the proctors should be entitled to receive, by way of compensation, half their incomes. The petitioners for compensation under the Bill already amounted to 386, and might be expected, including the surrogates, to reach a much larger number. Now, he was of opinion that the amount of compensation which those various officers would be entitled to receive, if the clause which the hon. and learned Member for Wallingford had placed upon the notice paper were introduced into the Bill, would be found to be not less than £200,000 a year during their lives, and he could only say that to any such proposal as that he should offer his most strenuous opposition.

The ATTORNEY GENERAL said, that if the hon. Baronet the Member for Evesham (Sir H. Willoughby) had attended to the explanation which he (the Attorney General) had already given to the Committee, he would have been aware of the grounds upon which the calculation which he had made was based; while he had merely to observe, in reply to the remarks of the hon. Member for Sheffield (Mr. Hadfield) that he appeared to him to be throwing away a large amount of eloquence and to have "wasted his sweetness on the desert air," as the case of the proctors was not then before the Committee. The hon. Baronet seemed to doubt the accuracy of the calculation which he had made, but he had stated distinctly that the sum, which he had mentioned as that which would be paid in the shape of compensation, was to be ascertained by deducting from the aggregate amount of the existing salaries of the officers in question, the salaries of those among them who would be appointed to new situations under the Act. Now, taking the existing salaries to be £63,000, the hon. Baronet must bear in mind that forty-one of the Registrars, who were now paid out of that sum, would receive appointments under the new Act at a rate of remuneration amounting to £1,000 per annum each. As far as he could judge from the returns of 1852, and from other causes, he believed that the amount required for compensation would be much less than £29,000, but that was a subject which would be more conveniently discussed upon a subsequent clause of the Bill. With regard to the question of his hon. and learned Friend (Sir Fitzroy Kelly) he would find that the Registrars were to be paid by salaries. No doubt it was intended that fees should be paid to District Registrars at first, but as soon as they could form an adequate notion of the amount of business that would be done in a district, they should fix a salary, and the whole of the fees would go into a general fund and be applicable to compensation. The object of Clause 6 was to ensure a proper return of the fees. Instead of fees being paid to the Registrar stamps would be issued, and as the Treasury would thus become the recipient of the Fee Fund, the charges for compensation would be on the Consolidated Fund.

The CHANCELLOR of the EXCHEQUER said, that by the law at present it would be within the power of the Commissioners of Inland Revenue, with the consent of the Treasury, to vary the payments with reference to the number of stamps sold.

Mr. W. WILLIAMS said, he would still maintain that they ought to know the amount of compensation to be awarded to each person, and it ought to appear in a schedule. When the question of compensating the Six Clerks was before the House he objected to the amount being fixed by the Lord Chancellor, and he received from the Government an assurance that the amount awarded would not be more than from £500 to £700 a year. The Lord Chancellor gave each of them from £5,000 to £7,000 a year, and also £2,500 a year during a period of seven years after their decease, to be left to whom they pleased by will.

Mr. SALISBURY said, seeing the temper of the House, he should not press his Amendment.

Amendment by leave *withdrawn.*

Sir FITZROY KELLY then said, that the intention of the Bill was that if any person who had a claim to compensation received a subsequent appointment the amount of the emolument which he received for that appointment should be deducted from his compensation; but as the clause at present stood, if any person received a subsequent appointment, no matter of how little value it might be, he would forfeit his right to compensation altogether. He would therefore move the omission of certain words to correct the defect which he had pointed out.

Another Amendment proposed in p. 29, l. 1, to leave out from the word "Act" to the word "to" in l. 2.

Question proposed, that the words "and who are not transferred" stand part of the Clause.

The ATTORNEY GENERAL said, he could not assent to the Amendment of his hon. and learned Friend. A person who on the passing of this Bill was transferred from one office to another would not receive compensation. [Sir F. Kelly: What! none at all?] It would depend entirely upon the election of persons whose offices were abolished by the Bill whether they would receive compensation or take other appointments. If a person who held an office of £500 a year was transferred to one of £200 a year, he would have no compensation; but if he did not choose to accept a new office he would receive compensation for the loss of his former office. The Bill provided, however, that all persons whose offices were abolished, and who were transferred to other offices, should receive offices as nearly as possible equal in value to those which they had relinquished, but they would not be entitled to any compensation. The practical result of the Amendment would be, that persons would be entitled to compensation for their former offices, although they might be transferred to offices nearly equal in value to those they had previously held.

Sir FITZROY KELLY said, the proviso of the clause, as it appeared to him, would operate in this manner:—A Gentleman who was now a country Registrar, with emoluments amounting to £600 a year, would be entitled to compensation of £400 a year; and if, after compensation was awarded, he received no appointment under the Bill, or under the Crown, he would retain that compensation to the end of his life; but if he received an appointment of the exact value of £400 a year his compensation would be suspended so long as he retained the appointment. Suppose, however, that a person entitled to compensation of £400 annually was appointed to an office of the value of £200 a year, he (Sir F. Kelly) wished to know whether it was the intention of his hon. and learned Friend that such person should be entirely deprived of his compensation and limited to an income of £200 a year, or whether he was, so long as he held the appointment, to retain £200 a year out of the £400 awarded to him as compensation? If the Bill intended that a person in such circumstances was to be altogether deprived of compensation he (Sir F. Kelly) thought the regulation was most absurd, because no man would resign a compensation allowance of £400 a year for an office of £200 a year. The consequence of such an arrangement would be that the country would have to pay the retired allowances, and new officials would be appointed to all vacant situations.

The ATTORNEY GENERAL said, in order to end the discussion, if his hon. and learned Friend (Sir F. Kelly) would accept this, he would agree to the insertion of the words "of equal value" after the word "offices," at the end of line 2, page 29.

Sir FITZROY KELLY said, he was willing to accept the proposed arrangement.

Amendment, by leave, *withdrawn.*

An Amendment made in accordance with the suggestion of the Attorney General,

Mr. HADFIELD said, we now had to propose the omission of the proviso that persons whose claims in respect of offices, held for life or otherwise, were excluded by the provisions of the 6 & 7 *Will.* IV., cap. 77, and the 10 & 11 *Vict.* cap. 98, but executed in person the duties of such offices, the said provision should not be deemed to exclude them from a just and proper compensation. He wished to call the attention of the House to some of the enormous claims for compensation which had been put in, and more particularly to the case of Mr. Raikes, the Registrar of the Diocesan Court of Chester, who, he said, had been appointed to that office in 1837, when he was 26 years of age, by the Archbishop of Canterbury, then Bishop of Chester. This Gentleman, he added, was now in the receipt of an income of upwards of £5,600 a year from his office, and by November next he would have received from it £112,140 in the whole. Mr. Raikes now appeared claiming compensation, stating that his income would be reduced by the Bill to £600 a year; but the House would bear in mind that he would, of course, be continued in the office of Registrar of the wealthy and populous county of Chester.

Amendment proposed in p. 29, l. 11; To leave out from the word "awarded" to the word "and" in l. 18.

Mr. SALISBURY said, he must protest against depreciatory remarks on Mr. H. Raikes, the present Registrar of the Diocesan Court of Chester. They had never heard of any complaint of the manner in which the business was conducted in that court. Mr. Raikes did not depute his duties to others, but personally supervised every instrument which passed through his court. It was invidious to single him out for comment.

Colonel SYKES said, he would beg to ask if this was a personal case, or if it affected the general question whether persons who were injured by an Act of Parliament were entitled to compensation?

Mr. ROEBUCK said, he would beg to refer to the 5th Clause of the 6 & 7 *Will.* IV., c. 77, which provides that persons appointed after the passing of the Act to any office not within the province of Canterbury shall have no vested interest therein, or any claim for compensation in case it was afterwards to be abolished. The Act was passed in 1836; Mr. Raikes was appointed in 1837. He wished to ask the Attorney General whether or not Mr. Raikes was appointed subject to that Act. A young man who was making nothing by his profession had since that time acquired annually £5,000; and because for twenty years he had enjoyed such an office he now asked for compensation. The man had done nothing. He had no claim. It was throwing away the public money, and he protested against it.

The ATTORNEY GENERAL said, there could be no doubt that if Mr. Raikes had been appointed since the passing of the 6 & 7 *Will.* IV. he did come under the operation of that Act, and was by the Act prohibited from claiming compensation. If an officer were appointed previously, under the operation of law he would have a freehold of his own with respect to the tenure of office, and have a right to full compensation. There were two classes of officers—those appointed previously, and those appointed since the Act. It appeared to the Government not a very reasonable thing to say to gentlemen appointed since the statute passed, so long ago as 1836, that they should have no compensation at all, because when Parliament passed the Act of *Will.* IV., they represented that they were about immediately to abolish the Ecclesiastical Courts. The reform had been a dead letter from that time to the present. The statute had grown rusty. It had been hung up against the wall, and Parliament had done nothing. Would it be fair and right under such circumstances to take down the Act which had remained unused for more than twenty years and apply it to debar officers from any claim to compensation? He thought, and his right hon. Friend the Chancellor of the Exchequer agreed with him, that it was not right so to deal with these gentlemen. But they could not treat the Act entirely as a dead letter, and accordingly two scales had been devised—a scale of full compensation to those who did not come under the ban of the statute, and a scale of compensation founded on the principle that those who did fall within the prohibition of the statute were appointed to offices removable at pleasure. He could not imagine a more strict measure of justice, and he did not think the Government had erred at all on the ground of liberality towards those who had been appointed since the statute in dealing with them as appointed during the pleasure of Parliament.

Mr. TATTON EGERTON said, that the question raised by the hon. Member for Sheffield (Mr. Hadfield) was a very important one. He could not agree with the doctrine of the hon. and learned Attorney General that this Act was a rusty one. Successive Governments had been unable to carry these necessary reforms, because of the opposition of the proctors. The House should well consider the measure before they came to any conclusion on the compensation clause. It might be a very important one, but still they might pay very dear for it. He had never yet been able to get at the amount of compensation to be paid for it, and therefore he hoped before the Bill came to a third reading the hon. and learned Attorney-

General would lay on the table the names of the parties to whom compensation was due and the amount to be paid.

Mr. CLAY said, he was inclined to think that Mr. Raikes, when he accepted his office, knew that he was not entitled to compensation. He was not acquainted with Mr. Raikes, and far be it from him to doubt the respectability of a man who for twenty years had enjoyed an income of £5,000 per annum, but assuming that he did know, compensation ought not now to be asked.

Mr. ROEBUCK observed that, he was certainly startled by the doctrine of the hon. and learned Attorney General. A man twenty years ago accepted an office, the preceding year there being an Act of Parliament stating distinctly that there should be no compensation. His hon. and learned Friend said they had made a promise, when, in fact, none had been made. They had in reality conferred a great benefit on the person in question by continuing the Act, and he had had from £5,000 to £8,000 a year for twenty years, which was enough to polish the rusty Act of Parliament. The person accepted the office knowing reforms were in contemplation; he had been lucky enough to receive his money for twenty years, and the hon. and learned Attorney General would continue his luck. He had received at least £100,000, and yet the country was called on to pay him compensation. It was the widow and orphan, and brother or sister, deprived by death of their relations, who had to pay the money, and out of whose pocket the compensation was to come. The Act of Parliament was said by his hon. and learned Friend to have grown rusty. Did a beneficial Act grow rusty in twenty years? He hoped the House would look narrowly into the question before they awarded compensation.

Mr. NEWDEGATE said, that it appeared that during the best years of his life, the person in question had been engaged and had done everything required. It may have been wrong to appoint him, but if the Legislature by its delays occupied the best years of a man's life, he thought the House was bound to consider that fact. His office might have been an abuse from the first, but the fault lay with the Legislature, not with him, and to punish a man who had faithfully discharged all the duties required of him for a fault committed by Parliament itself would be at once unjust and ungenerous. It appeared to him that this was a case for consideration, and that, at the same time, regard should be had in dealing with it to the large receipts as well as to the long tenure of office.

Mr. BARROW said, he thought it very desirable to know the whole amount of compensation which was proposed to be given, before the House decided. It was said the Legislature had been guilty of negligence for twenty years. The hon. and learned Member for Sheffield (Mr. Roebuck) had properly pointed out that the unfortunate widows and orphans on whose behalf the hon. and learned Attorney General had so often opened the stores of his eloquence, had been taxed with enormous fees for this sinecure, and he agreed with the other hon. Member for Sheffield (Mr. Hadfield) that the compensation should be taken out of the public funds, and not out of the pittances of widows and orphans.

The CHANCELLOR of the EXCHEQUER said, that his hon. and learned Friend the Attorney General had already stated who the officers were who would be entitled to compensation. The effect of the clause would be to give the Commissioners of the Treasury unlimited discretion as to the amount of compensation to be given. The clause did not direct, but empowered the Treasury to give persons who received the salaries reasonable compensation. If the demand of the hon. Member (Mr. Barrow) were complied with, they would require his hon. and learned Friend the Attorney General to lay most imperfect information before the House, and if a preliminary estimate were laid upon the table, and the Commissioners of the Treasury were to make a different scale of compensation less in amount, great dissatisfaction would be caused.

Mr. ROEBUCK said, he would warn the House that the course taken now would be quoted as a precedent when other useless offices were abolished, and if they granted compensation for offices the abolition of which an Act of Parliament declared should be followed by no compensation, they would have some future Attorney General rising up and referring to this Act.

The ATTORNEY GENERAL said, that the Bill had been printed and circulated through the country with this provision in it, and a large class of persons might fairly be considered to have abstained from setting forth their claims in dependence on this proposal of the Government. The attention of the Committee had been so much turned to the case of a single individual, that many hon. Members might suppose that the clause was intended to give that gentleman, and that gentleman only, compensation; but the clause referred to a class, and would the Committee deprive of compensation some sixty or seventy ill-paid functionaries, it might be, having nothing but their salaries to depend on, because one individual might be regarded as having already got enough?

MR. HADFIELD said, that what they complained of was that they were asked to vote without knowing the detail. He had quoted two cases, but there were many others, and he wished to know by what right the Government took on them to grant compensation? The hon. and learned Attorney General said this was a rusty Act of Parliament; yet they had been since 1829 trying to get rid of it with all its nuisance and inconvenience.

SIR HENRY WILLOUGHBY said, he wished to know upon what principle compensation was to be given—whether upon any defined plan or at the absolute discretion of the Treasury?

THE CHANCELLOR OF THE EXCHEQUER said, at present compensation was frequently given for offices which had been held during the pleasure of the Crown, upon which tenure a vast majority of civil offices were held. The Treasury had great experience in matters of compensation, and as a general rule he believed they were not at all lavish in the amount of compensation they awarded if he could judge from the number of complaints he received of inadequate allowances.

MR. MALINS remarked that, a great deal depended, in the case of Mr. Raikes, upon the question whether that gentleman actually had received £5,000 a year net during twenty years. From a statement in Mr. Raikes's petition it would appear that owing to the increase of business he had been obliged to double the number of his clerks and also to double their salaries, as well as to purchase additional buildings for the security of the wills under his control. If all these expenses were deducted from the £5,000 a year it was a most material fact. With respect to the circumstance of Mr. Raikes having been appointed since 1836, as Parliament had not acted upon the warning that had been given at that time, it would be harsh now, after occupying the best years of a man's life, to refuse all claim for compensation.

The Attorney General

MR. WIGRAM asked, whether it would be in the discretion of the Treasury to give or to withhold compensation at their pleasure?

THE CHANCELLOR OF THE EXCHEQUER said, the Treasury endeavoured to act justly in all cases. The merits of each case were gone into, and, as far as possible, a decision was adopted upon the circumstances of each individual case.

MR. HENLEY said, he would remind the Committee that the hon. and learned Attorney General, in introducing the Bill, had particularly called attention to this provision, and no objection had been made to it. Had it not been for his statement of the intention of the Government in respect of this matter, which induced parties to remain quiet, the Bill would, no doubt, be in a different position to what it now was.

MR. CLAY observed, that if any objection had been taken to the question of compensation upon the occasion of the second reading, the reply would have been that it was a matter of detail to be discussed in Committee.

Question put, That the words "Provided that where persons, &c." stand part of the Clause.

The Committee *divided*:—Ayes 149; Noes 81: Majority 68.

MR. HADFIELD said, he would now move the addition of words to the clause, with the view of providing, that in computing any allowance, due consideration shall be had to the allowance for office or situation retained by the party.

Another Amendment proposed, at the end of the words, "but that in computing any allowance, due consideration shall be paid to any office or situation retained by the party."

THE ATTORNEY GENERAL said, it was idle to suppose that the Treasury, in making compensation at their discretion, would not take into consideration the office or emolument retained, and, therefore, it was useless to add the words which the hon. Member proposed.

Question, "That those words be there added," put, and *negatived*.

Clause, as amended, *added* to the Bill.

Other Clauses *added*.

Clause ("Whereas the fees and emoluments of the persons now practising as Proctors in the Courts to be abolished by this Act may be damaged by the abolition of the exclusive rights and privileges which they have hitherto enjoyed as

Proctors in such Courts; be it enacted that the Commissioners of Her Majesty's Treasury, by examination on oath or otherwise, which oath they are hereby authorized to administer, may inquire into, and may, by the production of such evidence as they shall think fit to require, ascertain and absolutely determine the net annual amount of the profits arising from the transaction of proctorial business by such Proctors on an average of five years immediately preceding the commencement of this Act, or of such proportion of five years as shall have elapsed since each and every such Proctor was admitted to practise in such Courts, and shall award to each and every such Proctor a sum of money or annual payment during the term of his natural life, of such amount as shall be equal in value to one-half of the net profits derived by such Proctor in respect of such proctorial business upon the said average of five years immediately preceding the commencement of this Act, or of such proportion of the said five years as shall have elapsed since the admission of each and every such Proctor to practise in such Courts") brought up and read 1°.

MR. MALINS said, he regretted that, through a misunderstanding, his speech on this subject should have been so far separated from his Motion. At an earlier hour in the evening he had delivered his views on the subject, and only regretted that there was not then a larger attendance of hon. Members to hear the arguments which he had brought forward. Other hon. Members, however, would now have an opportunity of expressing their opinions on this subject; and he would, therefore, conclude by moving that the Clause be read a second time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. WIGRAM said, he wished to ask whether, if compensation were granted to the proctors, the Metropolitan Courts would be opened to other professional men, the same as the District Courts?

MR. MALINS said, the proctors unanimously felt that, since the Bill was altered enabling the District Courts to deal with sums above £1,500, the privileges now enjoyed by them were not worth preserving; and therefore, if compensation were given, they were ready to give up all their exclusive privileges.

MR. ROEBUCK said, the proctors were only undergoing the fate of almost any other class belonging to the profession of the law. Since he began his professional life many reforms had been introduced, which had the effect of taking money out of the pockets of the profession, but nobody ever proposed to give those who suffered compensation. For example, the business of the special pleaders had been destroyed, but no compensation was given to them. Again, the County Courts had destroyed in a great measure the business of the circuits. In one of the Welsh circuits lately, there was only one civil case brought forward, whereas the County Court Judge had had no fewer than 400 cases in his court. Nobody, however, proposed compensation to the barristers who suffered in their incomes from this cause. He would take a much harder case still. When, by the progress of machinery, the hand-loom weavers were thrown out of employment they were left to starve, and, though they applied, time after time, to that House for compensation, none was given. Now, he wanted to know what was the difference between their case and that of the proctors? Take also the case of turnpike trusts, which had been injured by the railroads. Who ever thought of giving compensation for the pecuniary loss sustained by turnpike trustees? If they admitted the principle that compensation should be given in all cases in which private interests suffered by what was done for the public advantage, there would be an end to all improvement. It was one of the misfortunes attendant on public improvement that individuals were apt to suffer, but that in no way implied a right to be compensated. The proctors had enjoyed a monopoly for 600 years, handed down from father to son, but they had done no service for the public for which they had not received ample remuneration, and therefore he felt bound to oppose the proposition of his hon. and learned Friend.

MR. WHITESIDE observed, that he could not see the force of the hon. and learned Gentleman's argument, that because County Courts had been established therefore proctors ought not to receive compensation. It should be remembered that, upon the establishment of County Courts, many barristers got good places, whereas in this case the very profession of a proctor was destroyed, and that made a great difference. Reform was not synonymous with economy, and he should vote for a clause which would compensate a class of persons whose occupation was totally swept away.

MR. KIRK said, he would propose that the proctors should receive the same amount of compensation as the Irish bar upon the introduction of the Encumbered Estates Court, which took a large proportion of business from that bar.

MR. AYRTON said, he came to the House very much resolved to vote against compensation. The Bill, however, had undergone great changes. The proctors were almost deprived of their business. Now, it was admitted that these gentlemen conducted their business in a very satisfactory manner, and he thought to deprive them of their profession was a perfectly gratuitous act on the part of the Government. The Committee had just given compensation, against the express determination of an Act of Parliament, to one class of persons, and now they were called upon to withhold compensation from persons whose profession had been recognized as an exclusive one by the express terms of another Act of Parliament.

LORD JOHN RUSSELL said, he regretted that the speech of the hon. and learned Member for Wallingford (Mr. Malins) on that subject had been heard by but few persons on that side of the House. The hon. and learned Gentleman, who had evidently studied this case very fully and completely, made a statement to the House giving the reasons of his proposal, and had altogether established a strong case for compensation. But then the hon. and learned Attorney General, after allowing the hon. and learned Gentleman to conclude his speech, told him that was not the time for making it. He (Lord J. Russell) regretted the more that the hon. and learned Gentleman had made his statement under such circumstances, because he felt convinced that, if the Committee refused all compensation to these proctors, they would be committing a great injustice. He could not see any resemblance between the general case of barristers, to which his hon. and learned Friend (Mr. Roebuck) had alluded, and that of the proctors. It could hardly be said that any positive loss had resulted to the profession of the law by the reforms made, because Acts of Parliament which took away one kind of business generally created a good deal of new business. The position of these proctors, however, was very peculiar. Their number was limited; it was not to exceed 120; and their duties related not merely to their clients, as in the case of barristers, but also to the public,—for, though they might be intrusted with the private concerns of individuals, yet if in examining wills they found any error in form or any deviation from what was ordered by the Wills Act, they pointed that out, and probate was not granted. In a great measure, therefore, they might be called public officers. These gentlemen paid largely before they could arrive at the position they held; they had not been conniving at any abuse, but they acted under the law as it stood, and acted, he believed, with great fidelity and exactness. No one denied that the duties which devolved upon them under the law, and which it was necessary should be performed in London, were performed to the satisfaction both of the public generally and of the Judges who were best able to decide on this subject. There had been questions from time to time with regard to the reform of the testamentary jurisdiction of the Ecclesiastical Courts, and one Commission, at all events, said that if that jurisdiction were taken away compensation ought to be given, or else great injustice would be done. The Lord Chancellor brought forward a measure which proposed that, for a certain time, proctors should enjoy exclusive privileges in the court to which they belonged, and the hon. and learned Attorney General proposed to this House a Bill which contained the very clauses of the hon. and learned Gentleman (Mr. Malins). The Committee, therefore, had the Attorney General's high authority in favour of compensation. As it passed through the House of Lords the Bill did not make a new court and destroy all that existed, but it proposed that the proctors should be left to deal with amounts above £1,500. When that clause was rejected by the Committee, the hon. and learned Attorney General proposed that another kind of business—namely, that connected with the stocks and funds—should be reserved for the proctors in London. Both of these provisions had, however, been discarded, and, therefore, the measure which the hon. and learned Attorney General was now proposing differed entirely from that which he originally wished the Committee to accept. The whole occupation of these proctors was now destroyed, and, that being the case, they could not, he thought, pass this Bill without some compensation. The mode of giving it was that chosen by the Attorney General himself. It had always been the principle of Sir Robert Peel that, in making reforms in the law, compensation should be given. That principle had, perhaps, been acted up to rather too fully; but he could not conceive how the hon. and learned Attorney General, having proposed these clauses in former Bills, and seeing that his own proposal had been rejected in this Committee, could make up his mind to commit such an act of injustice and spoliation as to deprive the proctors of their privileges without compensation.

Mr. BRISCOE said, that he entirely concurred in what had fallen from the noble Lord. Although he was a lover of reform, he was also a lover of justice, and thought that whenever, in order to effect a great public benefit, injury was inflicted on private individuals, compensation ought to be given to them.

The ATTORNEY GENERAL said, that he would explain the position of the proctors. Their business was derived from three sources—the Testamentary Courts, the Marriage and Divorce Courts, and the Admiralty Court, in each of which courts they had at present a monopoly. A proposition was now made to compensate them for their proctorial business not derived from the Testamentary Courts.

Mr. MALINS: Not so. It is only for their testamentary business. It is your own clause exactly.

The ATTORNEY GENERAL said, he could undertake to say that there was no such confusion in his Bill. But, however, he would argue the case on the supposition that compensation was only asked for the business derived from the Testamentary Courts. There was now before the House a Bill to which a second reading had been given, for the establishment of a new Court for Divorce and Matrimonial Causes, and in that Bill there was a clause which gave the proctors a monopoly of practice in those courts. In one department of that business he anticipated a considerable addition to the present business of the proctors, and unless they withdrew from all monopoly—[Mr. Malins: They do.]—If the proposal were made that all monopoly should be entirely withdrawn from the proctors, and that they should be reduced to the level of solicitors, then he should be reduced to the position in which he had been placed by the noble Lord the Member for London, and it would not lie in his mouth to refuse them compensation. The Committee would have the propositions of the Government and the hon. and learned Member for Wallingford before them, and would have to decide which was most worthy of credit. The amended proposition of the hon. and learned Member for Wallingford he understood to be this, that the proctors receiving compensation according to the proposition in the clause, should not be entitled to any monopoly of testamentary business, nor to any exclusive privilege in conducting business under the Divorce and Matrimonial Causes Bill, if that should pass into law. It was a difficult matter to say what might be the result of the altered system. Business generally continued to run in the channel in which it had been in the habit of flowing for a number of years, and he had seldom found that any gentlemen who were employed in any particular professional occupation had had the resort to them diminished by a change in the practice of the courts with which they were connected. What he had been about to propose was this, that at the expiration of three years from the passing of this Bill, an account should be taken in by each proctor to the Treasury, and examined into there, of his professional gains during those three years, and if it should turn out that those professional emoluments had fallen below the average of the three years antecedent to the passing of the Bill, then compensation should be given accordingly. It was for the Committee to decide between these two propositions, and to adopt whichever they thought would be the fairest to the proctors. At the same time, he was not at all disposed to turn his back on the proposition which he himself made in the Bill of last year, and to which the Government were pledged. By that proposition the proctors were to receive, in the shape of an annuity, half of the clear yearly gains which they could show they had derived during the period of three years before the passing of the Bill from that particular source of business. Unquestionably, this was a case in which the claim of the proctors was entitled to favourable consideration, because they would be compelled by statute to relinquish a benefit which they had hitherto enjoyed. Nothing was said when the Bill (which was framed upon the Report of Commissioners) was framed about compensation, because at that time it was intended that the proctors should have a monopoly of the common form business. Still it was impossible to say what would be the result of the present proposition. In some cases it might be that proctors would receive under it too much compensation by one half, while others might receive too little. He should be glad to hear the Committee express their opinions upon the proposition.

Mr. WESTHEAD said, he thought that the proposition of the hon. and learned Attorney General might, on the whole, work very justly, but aged proctors might die before the expiration of three years, and, therefore, if they should live, say two out of the three years, they would evidently be injured without receiving any compensation whatever.

Mr. ROLT said, the country registrars should be put on the same foundation as the London Court, and if that were done, all solicitors might be admitted to practise in all the courts. It would be inconvenient that general practitioners should practise with the proctors in the testamentary jurisdiction, but the latter have exclusive practice in the Divorce and Admiralty Courts. He thought the Judge of the London Court of Probate should have the power of deciding who should practise in the London and District Courts.

Lord HOTHAM said, he wished to call the attention of the House to a hardship which would be committed by the Bill, and which arose out of the distinction that existed between the surrogates in the south of England and those in the province of York; the duties of the former were only confined to granting marriage licences, whereas the latter transacted all the duties of a proctor. He had given notice of a clause to the following effect:—

> "It shall be lawful for the Commissioners of the Treasury to grant to every clerical surrogate who, at the time of the passing of this Act, shall be acting under appointment from the Prerogative and Exchequer Courts of York, such compensation for any loss the said surrogates may sustain by the passing of this Act as the said Commissioners deem just and proper to be awarded; the said Commissioners having regard in awarding such compensation to the circumstance of the said clerical surrogates not being able to follow any other professional employment in lieu of the said office of surrogate."

The surrogates in York were usually incumbents in large manufacturing towns, and only received a scanty remuneration for their services, and the emoluments which they obtained as surrogates were necessary to the maintenance of these incumbencies. The case, therefore, of the surrogates in the Province of York was especially deserving the attention of the Committee. He would only add that if they cut off these fees from the surrogates, they would deprive them in many instances of more than twenty-seven per cent of their whole income, and, therefore, he would appeal to the hon. and learned Attorney General, and ask him whether they had not quite as well-founded a claim for compensation as the proctors whose demands he had just conceded. Indeed, he humbly ventured to think that the surrogates had a stronger claim for compensation than the proctors, for it was impossible for many of the former to recover their incomes by any other means.

Colonel SYKES said, he thought the hon. and learned Attorney General could not be sincere in refusing the claims of the London proctors to compensation after what had been done in the case of the officers of other courts who had suffered by changes in the law. He should support the proposition of the hon. and learned Member for Wallingford (Mr. Malins).

Mr. WIGRAM merely wished to express a hope that whatever rule, as to compensation was applied to the surrogates of York, should likewise be extended to the Province of Canterbury. He hoped, in fact, that the rule would be made general.

The ATTORNEY GENERAL said, that there were no persons with whom he should be more disposed to sympathize than those clergymen who had with great advantage to their neighbourhoods discharged the duties of surrogates. He, therefore, could have no objection to the proposition of the noble Lord, which had been embodied and placed upon the table in the form of a clause, and owing to which these clerical surrogates were to be compensated according to the discretion of the Commissioners of the Treasury. He was also willing to extend the same rule to the surrogate of the Province of Canterbury. He did not think that the case of archdeaconries who had no chancellors and had discharged their duties, to which his attention had been called by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) would be included in the clause which dealt with Judges and Registrars; and he therefore would suggest that the right hon. Gentleman should upon the Report insert in the interpretation clause a provision that in this particular section the word "Judge" should include archdeacons. The only question which remained for the Committee to decide was whether it would adopt the proposition of the hon. and learned Member for Wallingford (Mr. Malins), or would prefer the more elastic plan that he had suggested. The mode in which he had last year proposed to create a compensation fund differed from the form contained in the hon. and learned Gentleman's clause C, and therefore if the proposal of last year were adopted, clause C would require to be recast. He therefore now asked the Committee to determine the principle of compensation, in order that the necessary alterations should be made in the Bill, with the view to throwing open the business to all practitioners, instead of limiting the common form of business to the proctors.

MR. MALINS said, he was much gratified by the candid manner in which his proposition had been met by the Government. The Committee had now the option of either adopting the clauses which he had put before them, or of accepting the proposal of the hon. and learned Attorney General, which settled nothing definite at present, but which would defer the matter for a period of three years, until they saw what loss the proctors would sustain. In all human affairs certainty was a most important element, and therefore he begged to inform his hon. and learned Friend on behalf of the proctors that he finally elected to take the clauses now before the Committee as he had himself proposed them, and in return for this concession the proctors would cede all exclusive rights of practice whether as regarded probate, letters of administration, divorce, or any other branch of their business. He would cheerfully accede to any alteration in the wording of his clauses, provided their principle was steadily adhered to. He wished to add a proviso enabling the annual sum awarded to proctors who had not practised for more than seven years to be computed over a period of two years in lieu of five. There was another class of persons—limited in number to twelve or thirteen—who would suffer great hardship under this Bill. He alluded to the clerks who had been articled to the proctors, and who had paid an average premium of 1,000 guineas. He trusted that Parliament would extend some consideration to these persons.

COLONEL SMYTH was understood to say that the country proctors would much prefer the plan of the hon. and learned Member for Wallingford to that of the Attorney General.

MR. ATHERTON said, he hoped the proposition of the Government was to abolish the proctors, because nothing was more pernicious to the administration of justice than the existence of monopoly. It appeared to him that this monopoly was to be perpetuated, or a new monopoly created. Under such circumstances he would prefer the proposition of the hon. and learned Member for Wallingford.

THE ATTORNEY GENERAL said, that as the feeling of the House seemed to be in favour of compensation, he would undertake that the compensation clauses of the Bill of last year should be adopted and made part of the present Bill, the monopoly of the proctors being taken away, and the proctors being entitled to practise with and as other members of the profession. He would not give the House the trouble of dividing, but would add the clauses on the Report.

MR. MALINS said, he was quite satisfied and would consent to withdraw his clause.

Motion and Clause by leave *withdrawn.*

LORD HOTHAM then proposed the following Clause, viz.—

"It shall be lawful for the Commissioners of the Treasury to grant to every Clerical Surrogate, who at the time of the passing of this Act shall be acting under appointment from the Prerogative and Exchequer Courts of York, such compensation for any loss the said Surrogates may sustain by the passing of this Act, as the said Commissioners having deemed just and proper to be awarded; the said Commissioners having regard in awarding such compensation to the circumstance of the said Clerical Surrogates not being able to follow any other professional employment in lieu of the said office of surrogate."

MR. WIGRAM moved, as an Amendment, that the clause should apply to the surrogates of the dioceses of Canterbury and Durham also.

Clause, as amended, *added* to the Bill.

MR. WALPOLE said, he proposed to insert a clause to the effect that—

"Every person who at the time of the passing of this Act, and of its coming into operation, shall have been for seven years consecutively chief or managing clerk to a Proctor and Notary in the Courts in Doctors' Commons, or in succession to several Proctors and Notaries in the Courts in Doctors' Commons, upon production of evidence of that fact satisfactory to the Judge of Her Majesty's Court of Probate for the time being, may at any time within one year after the passing of this Act, be admitted as a Proctor and Notary of the said Court of Probate upon his paying to the Commissioners of Inland Revenue the amount of stamp duties legally payable upon articles of clerkship to and admission as Proctors and Notaries.

Clause brought up and read 1°.

Motion made and Question that the Clause be read a second time, put and *negatived.*

Clause *negatived.*

MR. WIGRAM said, he proposed to insert the following Clause:—

"All Persons and corporations making any payment bonâ fide upon any probate or letters of administration granted in respect of the estate of any deceased person under the authority of this Act, shall be indemnified and protected in so doing, notwithstanding any defect or circumstance whatsoever affecting the validity of such probate or letters of administration."

After a few words from the ATTORNEY GENERAL, the clause was added to the Bill.

SIR HENRY WILLOUGHBY said, he wished to move a clause providing for the annual returns of the accounts of the Court.

Clause *added* to the Bill.

SIR FITZROY KELLY moved the insertion of a clause before Clause 10:—

"The Judge of the Court if a Privy Councillor, shall be a member of the Judicial Committee of the Privy Council."

Clause *added* to the Bill.

MR. MALINS then proposed the insertion of a clause granting compensation to those articled clerks who, having paid large premiums as well as stamp duty as preliminaries to admission to their profession, found as they were about to enter upon that profession that their prospects in it would be destroyed under the operation of the Bill under discussion.

Clause (Compensation to, and admission of, Articled Clerks to Proctors) *brought up* and read 1°.

THE ATTORNEY GENERAL said, he objected to the clause as he thought that the class of cases for which it proposed to provide compensation could not be brought within any definite principle.

MR. AYRTON suggested that the articled clerks might have relief given to them by altering the 38th Clause, which restrained them from practising otherwise than proctors; so as to enable them to practise as solicitors in the same manner as their masters were allowed to do.

MR. MALINS said, that there were only twelve or thirteen of those articled clerks, and that as their all was embarked in the profession they had adopted, it would be gross injustice to deprive them of the premiums and fees that they had paid.

Motion made and Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 57; Noes 113: Majority 56.

Preamble *agreed to.*

THE ATTORNEY GENERAL said, that he proposed that the Bill should be recommitted *pro formâ* at the morning sitting to-morrow, in order to insert some new clauses, and then that the Bill should be reprinted and the third reading taken on Friday.

House resumed.

Bill *reported*, with Amendments; as amended to be considered *To-morrow*, at Twelve o'clock.

SUPERANNUATION ACT AMENDMENT BILL.—THIRD READING.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the third time."

MR. AYRTON moved the adjournment of the debate.

LORD NAAS submitted that no rational object could be attained by dividing the House on the third reading of the Bill, seeing that its principle had already been amply discussed on the Motion for the second reading. He therefore hoped the hon. Member (Mr. Ayrton) would see the propriety of not putting the House to the trouble of dividing.

MR. AYRTON said, he would urge as a reason for postponement, that the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) wished to address the House, and was not then in his place.

LORD NAAS said, he had seen the right hon. Gentleman leaving the House an hour and a half ago. The right hon. Gentleman asked him whether he intended to bring on the Bill to-night, and he told the right hon. Gentleman that he did.

Motion made and Question "That the Debate be now adjourned" put and *negatived.*

SIR HENRY WILLOUGHBY said, he objected to the third reading of the Bill, on the ground that it would not settle the question. He would ask the noble Lord the Member for Cockermouth (Lord Naas) how he intended to deal with those parties who had already paid the sum of £760,000. In this summary mode of dealing with the question the House placed the Executive in a false position with the Civil Service. Whether he considered the Civil Service, the taxpayer, or the position of the Government, he objected to the third reading of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he was not prepared to bring in a Bill before he received the report of the actuaries who had been appointed; but he must protest against its being said that Her Majesty's Government were not prepared to introduce, in due season, a measure which would have procured the best solution of this difficult question; but such was the impatience of the noble Lord, instigated by the clients whom he represented, that he could not allow a single week to elapse before giving them the benefits to which in a spirit of goodnatured credulity he considerd them to be entitled.

SIR JOHN TRELAWNY said, the reason he had opposed the Bill was, because he wished to protect the national exchequer. The better plan would have been to appoint a Committee to inquire into the whole of the Civil Service.

MR. H. BERKELEY said, he was surprised to hear the noble Lord accused of goodnatured credulity. The Government might more justly be accused of illnatured obstinacy. Nine out of every ten men in cities were in favour of the noble Lord's Bill.

MR. AYRTON said, he must complain of the undue haste with which the Bill had been pressed forward, and the extraordinary zeal which the civil servants had exhibited in soliciting hon. Members to support it. The measure, in short, was the result of an organized conspiracy on the part of the public servants, was unjust in its provisions, and based on erroneous statements.

Main Question put.

The House *divided:*—Ayes 91; Noes 23: Majority 68.

The Bill read 3° and *passed.*

GREAT YARMOUTH WRIT.

MR. HAYTER moved that a new writ be issued for the election of two Burgesses for the borough of Great Yarmouth, in the room of William Torrens M'Cullagh, Esq., and Edward William Watkin, Esq., whose election had been declared to be void.

Motion made, and Question proposed,—

"That Mr. Speaker do issue his warrant to the Clerk of the Crown, to make out a new writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Great Yarmouth, in the room of William Torrens M'Cullagh, esquire, and Edward William Watkin, esquire, whose elections have been determined to be void."

MR. BENTINCK said, the hon. Member for Hereford had moved that the evidence before the Committee be printed. He thought that afforded him sufficient ground for moving that the Writ be suspended till the evidence be in the hands of hon. Members.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "the issue of the new writ for the borough of Great Yarmouth be suspended until after the minutes of evidence taken before the Committee be printed," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. HAYTER said, it did not follow that because a Member of the Committee had moved that the Report of the Committee be printed that the Writ should be suspended. What the House had to look to was the Report of the Committee. That Report was that there were three instances of bribery and two instances where promises of money had been made. It was not proved to the Committee that the bribery was with the knowledge of the Members.

COLONEL CLIFFORD said, he was authorised by the Committee to say that they would not support a Motion that the Writ be suspended.

Amendment, by leave, *withdrawn.* Main Question put, and *agreed to.*

Ordered,—

That Mr. Speaker do issue his warrant to the Clerk of the Crown, to make out a new writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Great Yarmouth, in the room of William Torrens M'Cullagh, esquire, and Edward William Watkin, esquire, whose Elections have been determined to be void.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House was adjourned at half after Two o'clock.

HOUSE OF LORDS,

Tuesday, August 4, 1857.

MINUTES.] PUBLIC BILLS.—1ª Burial Grounds (Scotland) Act (1855) Amendment; Superannuation Act Amendment; General Board of Health Continuance.

2ª Canada and New Brunswick Boundaries.

3ª Banking; Crown, &c. Suits (Scotland); Glebe Lands (Ireland); Land and Assessed Taxes, &c. (Scotland) Acts Amendment; Christ Church (West Hartlepool).

Their Lordships met, and having gone through the business on the Paper,

House adjourned at a Quarter past Six o'clock, to Thursday next, Half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, August 4, 1857.

MINUTES.] NEW WRIT—for Beverley *v.* Edward Auchmuty Glover, esq., void Election.

PUBLIC BILL.—3° Burial Grounds (Scotland) Act (1855) Amendment.

PROBATES AND LETTERS OF ADMINISTRATION BILL.—COMMITTEE.

Order for consideration, as amended, read :—

Mr. HADFIELD remarked that he thought that the schedule of the list of districts ought to be revised. In Somerset, for instance, there were to be no less than three districts, which were out of proportion to the population of the county. The districts were so ill considered that they required correction, as, when they were once fixed, it would be very difficult to alter them.

Mr. HENLEY said, that, after the proceedings of last night, the present Motion for the recommittal of the Bill took him quite by surprise. He thought the House should not be called upon to come to any decision on the new clauses on so short a notice. The House had had no time to examine them, and he himself was not in a position to offer an opinion upon them, one way or other. Besides the new clauses, there was a page and a half of Amendments on the paper.

The ATTORNEY GENERAL said: every one present last night knew that there was an agreement between himself and the learned Member for Wallingford (Mr. Malins) to introduce the clauses in the Bill of last year, as to compensation on condition of the exclusive privilege of proctors to practise in the courts being given up. In order to effect this, it was requisite to recommit the Bill, *pro formâ.* His right hon. Friend (Mr. Henley) had also, last night, called his attention to the circumstance that there were certain archdeacons who performed judicial functions in their own courts, and thus obtained emoluments for the loss of which, under the Bill as it stood, they would be unable to obtain compensation. He would suggest that his right hon. Friend should give notice of an Amendment to meet such cases, or that he should move the addition to the interpretation clause of words declaring that the term "Judge" should include all Archdeacons performing, personally, judicial functions in their own courts. He believed that, according to the forms of the House, that might be done at the present stage of the Bill. He hoped, therefore, that the House would consent to go into Committee on the Bill, which might, after having been amended and reprinted, be reported on Thursday. With regard to the observations of the hon. Member for Sheffield, (Mr. Hadfield), he (the Attorney General) did not think that any blame could be attributed to the Government, who had done all in their power to secure a satisfactory arrangement of districts. The schedule had been the subject of discussion during a whole night, when he stated that, in the formation of districts, the objects of the Government had been to continue, as places where probate should be granted, those country towns where diocesan registries or courts at present existed, to consult the convenience of the public, and so to arrange the districts that, generally speaking, the duties of registration might be discharged by one officer. He stated, on that occasion, that, adhering to the principles he had laid down, the schedule would be open to any suggestions of alteration, upon which the House would determine. Since that discussion of a schedule which had been before the country for many weeks, he had received innumerable applications asking for alterations in the schedule, and now, at the twelfth hour, the hon. Member for Sheffield came forward with a general complaint against the schedule. There were a number of specific proposals on the paper, upon which the House would decide; but, he must say, he thought there was not the least reason for the complaint of the hon. Gentleman. He (the Attorney General) had endeavoured, at great personal inconvenience, to give his careful consideration to all the representations made to him by parties whose interests would be affected by the measure.

Viscount GODERICH said, he wished to ask whether he had correctly understood the hon. and learned Gentleman to say, last night, that, if the exclusive rights and privileges of proctors were abolished in matrimonial as well as in testamentary causes, they would receive compensation for the abolition of that branch of their business? As to the schedules, the proper time for discussing them would be at a future stage.

The ATTORNEY GENERAL replied in the affirmative.

Mr. BAINES said, this was not the time to discuss the schedules. Let the Bill be reprinted and reconsidered, and then the schedules could be discussed on the Report.

Mr. SPOONER said, the hon. and learned Member for Wallingford, (Mr. Malins) who had originated the Amendments on the paper, was absent, under the impression that there would be no discussion, House in Committee: Bill *recommitted; considered* in Committee.

Mr. HENLEY moved a clause to the effect that Archdeacons sitting as Judges should be so considered.

Clause *agreed to.*

House resumed: Bill *reported* with Amendments; as amended, to be considered on *Thursday*, and to be *printed.*

BURIAL ACTS AMENDMENT BILL.

CONSIDERATION.

Order for considerations, as amended, read,

Several Clauses *added.*

Mr. COX said, that he rose to propose a clause with relation to private burial-grounds, the owners of which had an intention of letting them out on building leases, thus causing a frightful desecration. With a view to prevent this, he would move to insert the following clause:—

> "That it shall and may be lawful for the vestry of any parish, in which any burial-ground closed by Order in Council, may be situate, and which does not belong to such parish, by resolution of the vestry, at a meeting called for that purpose, to purchase such burial-ground, and from the time of such purchase such burial-ground shall belong to such parish, and be subject to all the conditions affecting the burial-grounds of the parish in which the same is situate. That all the clauses and provisions contained in the Lands Clauses Consolidation Act, for the purchasing and taking of lands, and also all the provisions of the Burial Acts, for the borrowing of money, shall respectively be deemed and taken to be incorporated in this Act with respect to such burial-grounds."

Clause *agreed to,* and *added* to the Bill.

Mr. MASSEY said, that, in the absence of the hon. and learned Member for Hertfordshire (Mr. Puller) he had to move the insertion of the following clause; and, in so doing, he might observe that he thought it a very moderate way of getting rid of the differences that, at present, existed in this respect:—

> "It shall not be necessary to erect or maintain any sort of wall or fence between the consecrated and the unconsecrated portions of any burial-ground provided under the hereinbefore recited Acts and this Act or any of them. Provided always that in the case of any burial-ground where there shall be no such wall or fence, it shall be the duty of the Burial Board having the care of such burial-ground to place, and from time to time to repair and renew, such boundary-marks of stone or iron as may be sufficient to show the boundaries of such consecrated and unconsecrated portions, respectively."

Clause *agreed to* and *added* to the Bill.

Mr. GLADSTONE said, that in the absence of his hon. Colleague (Sir W. Heathcote), he rose to move the following Clause:—

> "If, upon the application in writing by any Burial Board, to the Bishop of the diocese, for the consecration of a burial-ground, declared in such writing to be in a fit and proper condition for the purpose of interment according to the rites of the United Church of England and Ireland, the said bishop shall refuse to consecrate the same, it shall be lawful for such Burial Board to appeal from such refusal to the Archbishop of the province, who shall decide the matter in dispute; and if the said archbishop shall decide that the said burial-ground is in a fit and proper condition, as aforesaid, and ought to be consecrated, such decision shall be communicated in writing by the archbishop to the bishop aforesaid; and if, after such communication, the said bishop shall not, within one calendar month, consecrate the said burial-ground, the said archbishop shall, under his hand and seal, license the same for the interment of bodies according to the rites of the United Church of England and Ireland; and the licence of the said archbishop, so granted as aforesaid, shall, until such burial-ground be consecrated, operate to make lawful the use of the same as if it had been consecrated."

He might, perhaps, on account of the eminence of the person concerned, be allowed to take that opportunity of referring to words which were supposed to have fallen from him—though he thought they were not the words that did fall from him—during a former debate on this subject, and which had given pain to an individual who, from his office and his personal qualities, was equally entitled to respect. He alluded to the Bishop of St. David's. Owing to some misapprehension, which must necessarily occur in the abbreviated reports of discussions in Committee, he (Mr. Gladstone) was supposed to have made himself responsible for a statement that the Bishop of St. David's had declined to obey the law, and that he ought to be coerced into obedience. He was sure the House must be aware that he never could have been guilty of such an act of rashness. He was totally unacquainted with the circumstances of the Swansea case; but, in commenting upon the observations of the hon. Under Secretary for the Home Department (Mr. Massey), and knowing nothing whatever of the law or the facts, he said, that if the law and the facts were as they were represented by the organ of the Government, and the case was one which justified interference, it appeared to him that, if a bishop disobeyed the law, such bishop ought, like everybody else, to be made to obey the law. The principle of our Constitution was, that the law was above every one; it was above the Sovereign, it was above the House of Lords, and it was above the House of Commons. The law was the only absolute supremacy acknowledged in this country, and however high any functionary might be, if he did not obey the law he ought to be made to obey it. As to giving any opinion that the bishop had disobeyed the law, he (Mr. Gladstone) stated, at the time, that he could conceive nothing more improbable; but it was his duty to accept a statement he could not controvert, and of the merits of which he could not judge. The Bishop of St. David's was, both upon personal and official grounds, entitled to the highest respect, and he (Mr. Gladstone) did not believe there was any man in the country who would give more ready submission to the law, or who would, with a more resolute determination, fulfil all the duties of a loyal subject as well as of a bishop of the Church, than the right rev. Prelate.

Mr. MASSEY (who was imperfectly heard) said, that when this Bill was last under discussion, in proposing a clause of a somewhat anomalous character, which was censured by his right hon. Friend (Mr. Gladstone), and was, doubtless, open to a good deal of criticism, he stated, in justification of the course he pursued, that, in his opinion—which concurred with that of many other persons—some of the bishops had put an unreasonable construction upon the clause in the existing Burials Act, which enabled them to exercise a discretion with regard to the consecration of new burial-grounds. He stated that he thought that discretion had not, in some cases, been properly exercised, and he, therefore, deemed it his duty to propose a clause which would partially remedy the grievance resulting from the refusal of bishops to consecrate burial-grounds. He also stated that one bishop had refused to consecrate a cemetery upon grounds which were utterly untenable in law, and that statement he now repeated, distinctly and advisedly. The right rev. Prelate was, however, mistaken in supposing that the clause was framed specially with reference to his case. It was framed with reference to all the cases of difficulty which had arisen, and which might hereafter arise, and he (Mr. Massey) merely alluded to the extreme case of the Bishop of St. David's as an illustration of the necessity of the clause. It would be irregular for him to refer to the mode which the right rev. Prelate had adopted of contesting the propriety of the clause, and disputing the grounds upon which it was recommended; but he (Mr. Massey) felt it due to his own character to state that he had not misled the House, that he had not suppressed facts, and that he was not ignorant of the circumstances of the right rev. Prelate's case. He had forborne to mention the right rev. Prelate's name, because he regarded his conduct as so utterly unjustifiable in point of law that he was not desirous to connect such disobedience to the law with the name of a dignitary of the Church, who, as the right hon. Gentleman (Mr. Gladstone) justly said, possessed many claims to respect; but he stated that that right rev. Prelate had refused to consecrate a burial-ground in his diocese, on the ground that the Burial Board refused to provide for the conveyance of the incumbent to the cemetery. He (Mr. Massey) maintained that that was not a sufficient reason to warrant the Bishop in withholding the rite of consecration, and his opinion was founded upon the express words of the 15 & 16 *Vict.* c. 85, sec. 30, which provided that burial-grounds might be consecrated by the bishop of the diocese, when the same should appear to him to be in fit and proper condition for the purpose. The criterion for the exercise of the bishop's ministerial duty was, therefore, the condition of the ground. The construction which the Bishop thought fit to put upon the clause was, however, that he was entitled to demand from the Burial Board the performance of an agreement which was entirely voluntary on their part, and to which no man of common sense could suppose that the section of the Burial Act was applicable. He (Mr. Massey) had spoken upon the authority of papers which were upon the table of the House—namely, the correspondence which had taken place between the Bishop, the Burial Board, and the Secretary of State. The Bishop was informed by the Burial Board that it was the unanimous opinion of their committee that they had not the power of providing a conveyance for the incumbent. A few days afterwards, the Board very respectfully required the Bishop to consecrate the ground, suggesting at the same time, that a licence for the use of the ground would be sufficient. To that application the Bishop replied that he must decline either to consecrate or to license the burial-ground until the committee of the Burial Board reconsidered their determination, which he believed they had adopted upon a totally erroneous view of the circumstances of the case. The Burial Board then consulted an able counsel, who said, distinctly, that the Bishop had no right to exact such a condition as that upon which he insisted. This was communicated to the Bishop, who renewed his proposition in another form, requiring the Burial Board to enter into a contract with him to commute the fees of the incumbent for a fixed sum. It was quite competent for the Bishop, the Incumbent, and the Burial Board, to enter into an arrangement of that nature; but such an arrangement was entirely permissive, and the refusal of its acceptance did not justify the Bishop in withholding the rite of consecration. It was upon that ground, alone, that the negotiation was pending. The negotiation was not completed, and it did not appear to him that it ever would be completed. On this ground, however, the Bishop had, for six months, arbitrarily withheld consecration from a cemetery which members of the Church of England had provided. He (Mr. Massey) maintained that the position assumed by the Bishop was wholly untenable in law, and that he had no right to withhold consecration unless he was satisfied that the ground of the cemetery was not in such a state as would justify the performance of the rite. But, supposing there had been any reason for withholding the rite of consecration, why did not the Bishop adopt the modified course of granting a licence? The Bishop had not granted a licence; and he (Mr. Massey) said, advisedly and distinctly, that, owing to the illegal and unjustifiable conduct of the Bishop, the inhabitants of a very large district, comprising some 40,000 persons, had for a period of six months been subjected to great inconvenience and expense. He (Mr. Massey) did not mean to say that bishops, who had required certain things to be done in burial-grounds, had not acted strictly within the letter of the law, but he did say advisedly that the conduct of the Bishop of St. David's in withholding the rite of consecration, and refusing even a temporary licence, for the reason he had alleged, was utterly illegal, and in derogation of the rights of persons who were no parties whatever to the arrangement he was desirous of effecting. It was most distressing to him to refer to a dignitary of the Church, and one, too, who was entitled to high respect, in what might appear terms of censure; but he believed that the right rev. Prelate to whom he had alluded had violated the law, and still continued to violate the law. He (Mr. Massey) would only add that he would readily assent to the clause proposed by the right hon. Member for the University of Oxford.

MR. DILLWYN said, he was very unwilling to prolong the debate, but he wished to make a few observations upon matters which were in some degree personal to himself. So long ago as last Friday, a statement appeared in the columns of *The Times* newspaper, under the high authority of the Bishop of St. David's, which impugned his veracity, and accused him of concealing facts from the House. He would not have troubled the House on the subject if an opportunity had been afforded him of answering those imputations in the paper in which they appeared—*The Times.* The statement caught his eye at his club. He was very much engaged all that day, but on Friday night he wrote an answer explanatory of the facts, and he sent that letter on Friday night to the Editor of *The Times*, requesting its insertion. He sent the letter by messenger on Friday night from the House, but up to the present day space had not been vouchsafed him in *The Times* to reply to the letter of the bishop impugning his character. He was the more surprised at this as his letter was dated the 31st of July, and was sent on that day, and he saw this morning in *The Times* a letter from the Bishop of St. David's, dated from Abergwilly Palace, South Wales, on the 1st of August; so that he could only suppose that the columns of *The Times* were open to right rev. Prelates, and were closed to humble individuals like himself. He thought he had some reason to complain of this, as the question was one involving his character for veracity. He felt that, after the able statement of the hon. Gentleman (Mr. Massey), it was unnecessary for him to occupy much of the time of the House in replying to the charge, or the implied charge, made against him by the right rev. Prelate. Every one who had read the letter of the right rev. Prelate was aware that he professed to suppose that he (Mr. Dillwyn) had been very much misreported; but, although the *ipsissima verba* he used were not given in the paper, the abstract of his speech was on the whole a very fair one, and he did not wish to complain of it. The words he actually used, however, would not bear the precise interpretation put upon them. The Bishop of St. David's said in his letter—

> "I observed, Sir, that I believe the report of the debate in the *Times* to be substantially correct, with one remarkable exception. I allude to the speech attributed to Mr. Dillwyn, the Member for Swansea. Mr. Dillwyn was of course fully aware of all the main facts which I have stated, and particularly of the recent proceedings in the Swansea town-council with regard to the question of compensation to the vicar. It is, therefore, in the strictest sense of the adverb, morally impossible that in his place in the House of Commons he can have said, as he is reported to have done, that 'time for consideration had been given to the right rev. Prelate in question, and there was no prospect of an amicable settlement.'"

Now, he (Mr. Dillwyn) had not exactly intended to convey the impression that there was no prospect of an amicable settlement; but he did say, and he intended to say, that full time for consideration had been given to the right rev. Prelate, and that no amicable settlement had been effected. He (Mr. Dillwyn) was quite prepared to hold to that statement, and to maintain that the settlement of which the right rev. Prelate spoke in his letter as having been partially made had not been carried out, and that it was very doubtful whether the matter would be settled by the town-council of Swansea. He found from the *Swansea Journal* of the 11th of July, that a long discussion had taken place in the town-council respecting the vicar's fees; it was suggested that £100 a year should be awarded, but a leading member of the council objected to that amount, and proposed £75 a year. It appeared also that a claim for compensation had been put in by the parish clerk. The subject was again brought before the town council on the 25th of July, when it was urged that the proposed arrrangement with the vicar required much consideration; and it was recommended that the discussion should be postponed until the next meeting. He (Mr. Dillwyn) had heard from various correspondents that it was very doubtful whether any settlement would be arrived at between the board and the vicar, because although many parishioners who were members of the Church of England, were anxious that such settlement should be effected, a very strong and angry feeling had been excited by the conduct of the Bishop and the incumbent. He would say, however, that the Bishop had no right to complain, for if he considered the question virtually settled, why had he not consecrated or licensed this burial-ground? For six months past the inhabitants of Swansea had been deprived of consecrated ground for interments, to which, as the Under Secretary of State had said, they had a legal right, because the Bishop chose to exercise his power illegally in order to drive the town into a compromise with the vicar. He (Mr. Dillwyn) thought the Bishop had no ground for impugning his conduct as he had done in his letter. At the same time he (Mr. Dillwyn) must express his sincere regret that he should have in any degree come into collision with a right rev. Prelate whom he had the honour of knowing, and for whom he entertained great respect. He would, however, repeat, that he did not believe any settlement—at all events, any amicable settlement—was likely to be arrived at between the Burial Board of Swansea and the vicar.

Mr. BERESFORD HOPE said, that as the hon. Gentleman (Mr. Massey) had repeatedly and emphatically asserted that the Bishop of St. David's had acted in flagrant violation of the law, he begged to ask whether the law was not strong enough to vindicate itself? Was it not a great grievance and wrong that a right rev. Prelate of known ability, who was highly and generally respected, should be charged by an hon. Gentleman in an official position with breaking the law, without having the opportunity of that fair trial to which the meanest man in this country was entitled?

Mr. HADFIELD said, he should support the clause, in the hope that it would have the effect of putting a stop to the scandalous proceedings which had occurred with respect to burial-grounds. Was it not a scandal that a prelate of the Church of England, who was warned that he was violating the law of the land, should set an example of disregarding that law? He (Mr. Hadfield) would like to know why the hon. Member for Swansea (Mr. Dillwyn) had not advised his constituents to apply to the Court of Queen's Bench for a *mandamus*, in order to compel the right rev. Prelate to do his duty. The fact was, it was high time the prelates were taught that so long as they received the pay of the State, they were the servants of the State, and must do the bidding of the State; and if they wanted freedom of conscience let them leave the Church and come over to those who agreed with them.

Mr. RIDLEY observed, that he thought these episcopal controversies most unseemly, and ought to be put a stop to. If these matters were not arranged amicably, he believed it would be necessary to impose upon the Bishops the obligation to consecrate the burial-grounds upon a certificate from the Home Secretary that the ground was in a fit state for consecration.

Viscount EBRINGTON said, he concurred in thinking that there was some laches on the part of the inhabitants of Swansea in not bringing the case before the Court; but this would involve great expense. In the diocese which had the misfortune to be presided over by the Bishop of Exeter, these most painful scenes were constantly taking place, so that lay members of the Church had been in some instances obliged to bury the dead; and what was remarkable, Tories of the old-fashioned school were as indignant as Dissenters in reference to the conduct of the Bishop. He approved of the clause, as reminding the Bishops, however they might lord it over the clergy, they were themselves subject to higher powers, and would not be allowed to treat the authority of the Archbishops with contempt. The clause ought to be useful as a matter of discipline, besides putting an end to the scandal.

Mr. NEWDEGATE observed that he objected to the clause. Why had not Parliament the courage to pass a direct Act for the purpose? He thought the clause in direct variance with the constitution of the Church, as the effect of it would be to call on the clergy to disobey their Bishops. He thought they were not justified in doing by indirect means what they ought to do by direct means. They ought to exercise the same authority over the Bishops as the clergy.

Mr. SALISBURY said, that he differed from the hon. Member. He thought it quite in accordance with the constitution of the Church that there should be an appeal to the Archbishop, who might take a calm and dispassionate view of the matter. He thought that it was doubtful under the new Act whether the Bishop would be compelled to consecrate; but he thought that the rich parish of Swansea ought to have brought the matter before the Court, and there have had it settled.

Clause *agreed to.*

Mr. KNIGHT then moved several Clauses, the object of which were to transfer the power of making regulations for burial-grounds from the Secretary of State for the Home Department to the Burial Boards. He complained of the indecent and illegal interference of the Secretary of State with the details of the burial-grounds—an interference to which he had no right, and which had given great offence in different parts of the country. In such matters the Burial Boards ought to have their own way. He did not, however, object to Government interference in cemeteries which were purely commercial speculations, and had no representative Burial Boards.

Mr. MASSEY said, that he could agree in the statement of the hon. Member for Worcestershire, that the power given to the Secretary of State had given dissatisfaction. In many cases he had been importuned to make regulations for public decency, which had been omitted by the negligence of the local authorities. The arrangement had had the most beneficial effect, and it would be most unwise to disturb it for the purpose of endowing the Burial Boards with an unlimited authority. The power given to the Secretary of State was to supervise and assist the local authorities; in some instances he had been compelled to supply their shortcomings, but usually the local authorities were desirous of obtaining his advice and support. It was most desirable that there should be uniformity amongst the various Boards throughout the country, and the experience of the last eight years had shown the beneficial operation of the existing law. For these reasons he felt called upon to oppose the whole of the Resolutions of the hon. Gentleman.

Mr. SPOONER opposed the Resolution. He could not consent to take away all control from the Secretary of State. The Burial Boards had the power of making their own by-laws, which was all that could be reasonably or beneficially granted.

Mr. NEWDEGATE said, he also could not support the proposed clause. He thought, however, that the rules under which the Secretary of State acted should be modified. He strongly objected to the Secretary of State having the discretionary power of interference at his pleasure, and hoped that in a future Session the undefined power of the Secretary of State would be properly regulated by being embodied in a code. They could not undertake at present to provide for those objects by these clauses, as it ought to be done by a general Bill.

Clauses *negatived.*

Clause 9.

Mr. GLADSTONE said, he felt compelled to renew his protest against the clause. His hon. and learned Friend had admitted, when he introduced the Bill that this was a very objectionable clause, but that it was intended to meet a chronic state of disagreement between the Burial Boards and the Bishop. But the clause only acted when the incumbent of the parish went against the Bishop. It could not apply in cases where the incumbent and the Bishop were on the same side. This was an authority given by Parliament to prevent unseemly disputes which depended upon the humour of the incumbent whether it should be effectual or not. The object was already attained by the authorisation of an appeal to the Archbishop, which was a regular remedy in place of an irregular one. It was said that the clause was only intended to operate while the Archbishop was deciding. But the Archbishop could not take above a day or two to ascertain whether the burial-ground was in a fit state for consecration or not. This clause was a useless authorisation to the inferior clergy to act upon their own private opinion. He felt convinced that it was impossible that such a clause should become law.

Mr. MASSEY said, that the clause had already been discussed and decided upon by a large majority. It was, therefore, not in his power to abandon the clause. He did not agree that a matter of reference to the Archbishop could be decided in such a summary manner. Complaints had often reached Government of the delay of opening cemeteries in consequence of disputes between the authorities and the Bishop. The Archbishop has many engagements—he has both parties to hear—he might order a Commission, and he would certainly be very cautious of overruling the opinion of a suffragan bishop. So far from the appeal being a speedy remedy, it would be the cause of great delay. He only asked that during that delay the incumbents might be permitted to give Christian burial to their parishioners.

Mr. SPEAKER said, that there was no question before the House.

Mr. BARROW said, that he had originally objected to the clause and still did so, as it tended to bring the authorities of Church and State into collision, and he would therefore move its rejection for the purpose of raising the question.

Mr. BERESFORD HOPE said, it was assumed that the Archbishop would overrule the Bishop, and the clause was intended to apply in the meantime. But the effect of the clause in the event of the Archbishop agreeing with the Bishop, would be, the incumbent would go on burying in defiance of both.

Viscount EBRINGTON said, that the clause was intended to allow burials to take place while legal disputes were going on. It was necessary to provide against injury to the public health while the disputes were going on in public courts. He thought, moreover, that if the Archbishop set himself against the wisdom of that House the more need for the clause. There ought not to be any superstitious value attached to the rite of consecration when so many of England's best-loved lay in unconsecrated ground.

Question "That Clause 9 stand part of the Bill;" put and *agreed to.*

Bill to be read 3° *To-morrow.*

BOUNDARIES OF BURGHS EXTENSION (SCOTLAND) BILL.—COMMITTEE.

Order for Committee read.

Viscount MELGUND said, that he must protest against the Bill being proceeded with at that hour (three o'clock), and with so thin an attendance of Scotch Members. He recommended the Government to postpone the measure till next Session. Many persons who were ratepayers in burghs would be excluded by it from voting at the election of town councillor, as being beyond the boundaries.

Colonel SYKES, on behalf of his constituents of Aberdeen, who were interested in the Bill, deprecated precipitate legislation on the matter, but would not object to going into Committee.

House in Committee.

Clause 1.

The LORD ADVOCATE said, that he wished to advert to what had fallen from the noble Lord (Viscount Melgund) and to state that he should not have pressed the Bill, had it not met with the support of Scotch Members generally.

Clause *agreed to,* as were also the remaining Clauses.

House resumed. Bill *reported;* as amended, to be considered *To-morrow.*

ILLICIT DISTILLATION (IRELAND) BILL.

Bill, as amended, *considered.*

Mr. WILSON stated in reply to a question from Colonel French, that steps had been taken for consolidating the Irish Revenue Police with the Constabulary; that those officers of the Revenue Police who were not disqualified by age for admission into the constabulary would be absorbed in that force as vacancies arose; that those officers who were too old for the constabulary would receive pensions for life, according to their length of service, and that the younger officers, for whom there were not at once vacancies in the constabulary, would receive pensions until such vacancies occurred.

Bill to be read 3° *To-morrow.*

MEMORIAL OF THE GREAT EXHIBITION. QUESTION.

MR. LAURIE said, he would beg to ask the First Commissioner of Works Whether it was intended to erect any edifice in Hyde Park in commemoration of the Great Exhibition; and, if no site has yet been adopted for Richard Cœur-de-Lion, whether there is any objection to allow it to surmount the Marble Arch?

SIR BENJAMIN HALL said, no public moneys had been or were intended to be spent on a memorial of the Great Exhibition of 1851, but when Mr. Alderman Challis was Lord Mayor of London, a subscription was entered into with that view. He saw Mr. Alderman Challis not long ago on the subject, and that gentleman asked him whether a site would be given in Hyde Park for the erection of such a memorial. He (Sir B. Hall) told him that he could give no positive answer until he saw the design that might be proposed. With respect to the question as to allowing the statue of Richard Cœur-de-Lion to surmount the Marble Arch, he did not think the public or Baron Marochetti would thank the hon. Member for such a suggestion.

HAMPTON COURT PALACE.—QUESTION.

COLONEL NORTH said, he wished to ask the First Commissioner of Works, whether any payments, annual or otherwise, are required from those occupying apartments at Hampton Court Palace; and, if so, the nature and amount of such payments.

SIR BENJAMIN HALL said, there were certainly some payments made, by the occupants of apartments in Hampton Court Palace, but to a small amount and under these circumstances. In the year 1849 an arrangement was entered into between the Treasury and the parish of Hampton for the payment of a sum of £450 a year by the former in lieu of rates, but without interfering with the privilege of the exemption of the Royal Palaces from rates. It was arranged that that sum of £450 should be paid by the occupants of the Palace, and the Lord Chamberlain determined the proportions in which it should be paid, and which varied from £4 to £20 a year. The sum charged to the occupants of the Palace was £450, but occasionally a larger sum was collected, and if there was any overplus beyond £450, it was paid into the Exchequer. Those were the only payments which the occupants of the Palace were bound to render in return for the accommodation afforded them there. There were some other payments; those, for instance, to the clergyman and the housekeeper, but they were purely voluntary on the part of the occupants of the Palace.

BARNSTAPLE AS A HARBOUR OF REFUGE.—QUESTION.

MR. LAURIE said, he would beg to ask the Secretary to the Treasury, If the Government can be induced to adopt the Bay at Barnstaple as a Harbour of Refuge, so necessary for the West Coast, there being no Harbour less distance than one hundred and forty miles from the British Channel; and whether he will permit evidence to be taken before the Committee now sitting on Harbours of Refuge, of which he is Chairman.

MR. WILSON said, the case of Barnstaple had not been brought before the Government, and, with regard to the reception of evidence by the Committee, it would depend entirely on the Committee itself what cases they would consider. If the subject were brought forward next Session he would not oppose an inquiry.

OATHS TAKEN BY MEMBERS.

Order read, for resuming Adjourned Debate on Question [3rd August], "That Viscount Palmerston be one of the Members of the said Committee."

Question again proposed.

Debate *resumed.*

Question put, and *agreed to.*

Sir GEORGE GREY, Mr. DISRAELI, Mr. WALPOLE, Sir JOHN PAKINGTON, nominated other Members of the said Committee.

Upon the name of Lord John Russell being read,

MR. BENTINCK said, he rose to propose the substitution of another name for that of Sir John Pakington.

Mr. ROEBUCK called the hon. Member to order. The name of Sir John Pakington was passed, and they were now on the name of Lord John Russell.

Sir FREDERIC THESIGER suggested, with great submission to the hon. and learned Gentleman, that the name was not put to the House.

Mr. SPEAKER: The usual practice is to read the names, and if no objection is taken as they pass, they are considered to be accepted by the House. The hon. and learned Gentleman is perfectly correct. Sir John Pakington's name is passed. The question now before the House is that Lord John Russell be a Member of the Committee.

Lord JOHN RUSSELL, Sir JAMES GRAHAM, Mr. GLADSTONE, Mr. ATTORNEY GENERAL, Mr. SOLICITOR GENERAL, nominated other Members of the said Committee.

Motion made, and Question proposed, "That Sir Frederic Thesiger be one other Member of the said Committee."

Sir FREDERIC THESIGER said, he did not know whether he ought to say he regretted being compelled to leave London to-morrow for one of the circuits, so that he should not be able to attend the Committee. He should be away the remainder of the week, and therefore he trusted he should be excused. He hoped the noble Lord the Member for the City of London would consent to the substitution of his noble Friend the Member for North Leicestershire (Lord John Manners). He was certainly ashamed to have omitted the name among those included in his notice; but he would give notice to add his noble Friend's name to-morrow.

Lord JOHN RUSSELL said, that he regretted that the hon. and learned Gentleman could not attend, and under the circumstances had no objection to the substitution suggested.

Colonel FRENCH said, he wished to know whether notice was necessary for the substitution of one name for another.

Mr. SPEAKER: As I understand, the hon. and learned Member for Stamford is unable himself to serve, and the proposal is to give notice of the name of another hon. Gentleman to stand in his place to-morrow.

Question put, and *negatived*.

Motion made, and Question proposed, "That Sir Fitzroy Kelly be one other Member of the said Committee."

Sir FREDERIC THESIGER said, it was with no invidious feeling that he proposed to omit the name of his hon. and learned Friend the Member for East Suffolk, and to substitute that of the hon. Member for West Gloucestershire, (Mr. Rolt). His object was to make the Committee more fair than as it was originally framed.

Amendment proposed, to leave out the name of "Sir Fitzroy Kelly," and insert the name of "Mr. Rolt" instead thereof.

Mr. ROEBUCK remarked, that he wished to ask whether this was not killing a bird twice over. They had passed a Resolution that all the members of the Long Robe should be members of the Committee. The hon. and learned Member for West Gloucestershire was a member of the Long Robe. It was proposed to substitute one member of the Long Robe for another, although both would still be members of the Committee, and that seemed to him to be occupying the time of the House to no purpose.

Lord JOHN RUSSELL said, he would not object to the proposal. He understood Sir Fitzroy Kelly would be unable to attend, but if he were able he would have the right to attend, although his name was not inserted. With regard to the notice of the hon. and learned Member for Stamford to insert four names and omit four proposed to be nominated, he had already stated that he should not object to the substitution of Mr. Rolt for Sir Fitzroy Kelly. His noble Friend the Member for Middlesex (Lord Robert Grosvenor), was not anxious to be upon the Committee, and he was willing to substitute either of the three other names of which notice had been given, but he could not consent to omit the names of Lord Stanley and Mr. Dillwyn, who took a great interest in the subject.

Question, "That the name of Sir Fitzroy Kelly stand part of the Question," put, and *negatived*.

Question, "That the name of Mr. Rolt be there inserted," put, and *agreed to*.

Main Question, as amended, put, and *agreed to*.

Mr. ROLT nominated one other member of the said Committee.

Motion made, and Question proposed, "That Lord Stanley be one other Member of the said Committee."

Sir FREDERIC THESIGER said, it would be useless, after the statement of the noble Lord, to attempt to omit the name of Lord Stanley. As the noble Lord had expressed his determination only to give up two names, he did not think that he ought further to persevere in attempting to make alterations in the Committee.

Question put, and *agreed to.*

Motion made and Question proposed, "That Mr. Horsman be one of the Members of the said Committee."

Mr. BENTINCK said, he rose to protest against the mode of proceeding in the appointment of this Committee. Mr. Speaker having ruled that he was out of order, he, of course, bowed to the right hon. Gentleman's authority, but he did contend that a name ought not to be passed without time being given to hon. Members to rise and state objections. It was his intention to move the omission of the name of the right hon. Baronet (Sir John Pakington), and the substitution of that of his hon. Friend the Member for Devonshire (Sir John Buller) whose straightforward and consistent course upon the question qualified him for a place on the Committee. No time was allowed for discussion. The minority was borne down by the majority. The Committee was named in defiance of all opposition, and it was quite clear that the whole thing was conducted in a manner which made it a complete farce.

Viscount PALMERSTON said, he did not pretend by any assertion of his to give strength to any decision which Mr. Speaker might have made, founded no doubt upon proper information with respect to the rules of the House. At the same time, after what had fallen from the hon. Gentleman, he felt bound to say that during the whole course of his parliamentary experience he had always observed that the course Mr. Speaker had pursued to-night had been invariably pursued—namely, that when a Committee was named Mr. Speaker did not put the question separately on each name one after the other, but read the names, and any hon. Member who wished to object to any name felt it his duty to attend to what was going on, and not to be talking to his neighbours, but to rise in his place when the name was read to which he objected. He thought that no hon. Member was entitled to find fault with the course Mr. Speaker had pursued. The names were read by Mr. Speaker with perfect deliberation, and any hon. Member who paid attention to what was passing might have got up and made objection before another name was read.

Lord HOTHAM said, that he wished it to be particularly and distinctly understood that it was only that morning that he knew that it was to be proposed that his name was to be substituted for that of another on the Committee, but if his hon. and learned Friend (Sir F. Thesiger) had persevered in his intention and had proposed him, he certainly should not have objected to serve, because he had reason to believe that the House had power to insist on the services of any Member on a Committee to which he had been appointed; but he should have stated that he did not at all concur in the propriety of appointing this Committee. In his opinion, a committee of twenty-five Members assisted by all the hon. Members who were also Gentlemen of the Long Robe, was of a size equivalent to nothing less than a Committee of the whole House. Then there was this objection, that although members of the Long Robe might attend, they were not necessitated to do so, the result of which would be that sometimes they would attend and sometimes not; and if they did not attend it would be falsely presumed that any Report of the Committee was concurred in by all the hon. and learned Gentlemen who were Members of the House. It was his intention, had there been any division, to have voted against every name, irrespective of whose it might be, in order to show in the strongest possible manner his disapproval of the appointment of the Committee. However, as his hon. and learned Friend did not wish to carry out his intention of substituting his (Lord Hotham's) name for that of any other Member, he had nothing more to say, except to repeat that he strongly disapproved of the appointment of the Committee.

Mr. BOWYER said, he was of opinion that the question at issue could not be solved without a reference to the 1 & 2 *Vict.*, and he therefore begged to ask the noble Lord the Member for the City whether the Committee was to be confined to the 5 & 6 *Will.* IV., or whether it was to be allowed to examine other statutes bearing upon the subject?

Lord JOHN RUSSELL replied, that the principal object of the Committee would be to consider the provisions of 5 & 6 *Will.* IV. It might be necessary to refer to some other statutes, but there did not seem to be any occasion at present for renewing the inquiry conducted by Sir W. Page Wood's Committee. He did not say, however, that it might not be advisable at some future time to institute such an investigation. He might state that he would have assented to the name of the noble Lord (Lord Hotham) as one of the Committee if the hon. and learned Member for Stamford (Sir F. Thesiger) had proposed it, or he would have proposed it himself but for the disinclination to serve expressed by the noble Lord. The noble Lord seemed to think that the course now proposed was an unusual one. If the noble Lord would look at the Journals of the House he would see that it had been the constant practice to appoint Committees upon all matters touching the proceedings and privileges of the House.

MR. NEWDEGATE observed, that he thought that the hon. and learned member for Stamford (Sir F. Thesiger) was right in making no further attempt to amend the constitution of the Committee, because it was obvious that, as now proposed to be constituted, the Committee must be a packed one. It might be said, indeed, that the inequality would be rectified by the proposal to include, in a general category at the end, all the gentlemen of the long robe who were Members of the House. That proposal amounted to nothing definite; for what was the fact? The House had never ascertained what was the exact definition of the term "Gentleman of the Long Robe," and had no evidence that hon. and learned Gentlemen were willing to serve; at all events, there could be no obligation upon them personally, derived from an expression of opinion on the part of the House, that they should be present at the meetings of the Committee; and even if they were willing to attend he saw no provision made for their being informed of the meetings or the proceedings of the Committee, or furnished with copies of the evidence. But more than this. They might come in helter-skelter as they could, having heard probably only part of the evidence, and being ignorant of the previous proceedings of the Committee, to give their votes upon imperfect information. The noble Lord the Member for the City had stated that precedents might be found in the Journals of the House for Committees of an analogous nature, including in their composition it was scarcely known whom under a general category. Very true; but it was also a fact that the ancient methods of proceeding with respect to the seats of Members gave rise to such abuses and threw so much discredit upon those who employed them, that at the instance of the noble Lord himself the House had deliberately adopted new and improved regulations. Now, however, the noble Lord—that great and ardent reformer—was actually proposing to revert to the practices of the ages of which he had taught the country to consider those of Parliamentary darkness, upon the escape from which he had so often congratulated the House, and which he had condemned both by speech and vote. It was impossible that the House could believe in the fairness or have any respect for the decision of a Committee constituted in opposition to the whole modern practice of Parliament. What was the object for which the Committee was to be appointed? It was to supersede the authority of the courts of justice, and by an infraction of the law to enable the noble Lord to seat Baron Rothschild as his colleague in the representation of the City of London. What had been the proceeding of the House with respect to the operation of the Act which constituted and named the Election Committees from year to year. They had constituted impartial tribunals to guard the purity of election, and his hon. Friend (Mr. Bentinck) protested most wisely against the appointment of this Committee in such a manner as would deprive it of the respect of the House. The present was so unusual a proceeding that he could not help expressing his surprise that the noble Lord, who had hitherto stood in the foremost rank as a reformer, should have proposed a Committee thus constituted. But it was in accordance with the whole course he had pursued in relation to the Bill he had introduced into the House, for every step taken upon the Jewish question since the rejection of the Oaths Bill in another place during the present Session had been irregular and objectionable. Take the Oaths Bill—

MR. ROEBUCK said, he rose to order. The general question involved in the appointment of the Committee had been decided by the House, and the hon. Gentleman was not entitled to go back upon it. There was a particular name before the House, and to the question that Mr. Horsman be appointed a Member of the Committee the hon. Gentleman was bound to confine his observations.

MR. NEWDEGATE maintained that the name before the House touched the general question at issue, for the hon. Member whom it was now proposed to place upon the Committee constituted himself the Chairman—or rather the Speaker

—of a little Parliament in Palace-yard, intended to overawe and intimidate the Legislature. He held such conduct constituted no special qualification for his appointment to this Committee. He protested against the proceeding of the hon. and learned Member for Sheffield (Mr. Roebuck), who did not venture to interrupt the noble Lord the Member for the East Riding (Lord Hotham), or the noble Lord the Member for the City of London, when they were speaking upon the general question, and he trusted that the House would discountenance interruptions which were obviously dictated by a feeling of uneasiness at the pertinence, not by the irrelevance of his observations. All the proceedings connected with the subject of this Committee had been of a most extraordinary character, that it touched the constitution of the House, and he had a right to advert to it. There was already a second Bill before the House for the purpose of effecting what it was the object of the Motion for the Committee to effect. In the first place, when the Oaths Bill was introduced, the noble Viscount at the head of the Government recommended Baron Rothschild, who was the object of all these proceedings, to the consideration of the House, because he was a contractor for a loan. That had not formerly been considered a special qualification for a seat in Parliament. Such was the first example of their departure from the rules and precedents established by Parliament. Take the next. The Oaths Bill was sent to another place, but it did not pass into a law, and immediately a meeting of certain hon. Members of the House of Commons was held in the Palace-yard for the avowed purpose of reconsidering the decision of the Legislature; but the irregularity did not end even here. The noble Lord the Member for the City introduced a second Bill upon the same subject, and in doing so he violated the Standing Orders of the House, which required that matters touching religion should be submitted in Committee of the whole House. Perhaps the last step was the most outrageous of all, for the noble Lord now proposed a Committee to consider the Acts bearing upon the question, and, instead of constituting it in the ordinary way, he asked the House, in defiance of the precedents which he had himself established, to revert to practices which had been condemned both by Parliament and the country, in order to nominate a Committee so loosely constructed, that even the Members of it would be unable to speculate confidently upon the course of its proceedings.

Question put, and *agreed to.*

Mr. HENLEY, Mr. ROEBUCK, Mr. MALINS, Mr. HEADLAM, Mr. ATTORNEY GENERAL for Ireland, the LORD ADVOCATE, Mr. DILLWYN, nominated other Members of the said Committee.

Motion made and Question proposed, "That Mr. Napier be one other Member of the said Committee."

MR. NAPIER said, that if the object simply was to ascertain the legal construction of an Act of Parliament, he would be glad to serve on the Committee. However, whatever the decision of that Committee might be, the construction of the Act of Parliament must be left to the ordinary tribunals of the country, and no Resolution which the House might come to could withdraw the matter from the jurisdiction of those tribunals. The Act to which the hon. and learned Member for Dundalk (Mr. Bowyer) had referred was considered by a Select Committee of which he (Mr. Napier) had been a Member, and a distinction was clearly drawn between the matter contained in an oath and the manner of its administration. With the matter they could not deal by a Resolution, although they might with the manner of administration.

Mr. NAPIER, Lord ROBERT GOSVENOR, Mr. WHITESIDE, and Mr. COBBETT, nominated other Members of the said Committee:—Power to send for persons, papers, and records.

Motion made, and Question proposed, "That three be the quorum of the said Committee."

Question put and *agreed to.*

MR. HENLEY observed that he thought the noble Lord could not be in earnest in proposing three to be a quorum of a Committee comprising upwards of 100 Members. Such a proposition would be even worse than the constitution of the Committee itself, which was made up at the rate of ten on one side to one on the other.

LORD JOHN RUSSELL said, it was a mistake to have proposed three. He intended to suggest that five should be a quorum.

Motion by leave *withdrawn.*

Motion made and Question proposed, "That five be the quorum of the said Committee."

MR. HENLEY said, he considered that number to be equally objectionable. The ordinary number of members of a Committee, of whom five were a quorum, was fifteen. As the noble Lord had appointed twenty-five Members upon the Committee, with a roving addition of about ninety others, he ought certainly to have followed the usual practice, and made one-third of the nominated men necessary to form a quorum. He should move that nine should form a quorum.

Amendment proposed, to leave out the word "five," and insert the word "nine" instead thereof.

LORD JOHN RUSSELL said, he had no objection to the right hon. Gentleman's proposition.

MR. BOOKER-BLAKEMORE said, that he wished to know when the Committee was to assemble. After the course that had been taken it must be apparent to the country that this was a packed Committee. The only way of obtaining anything like a satisfactory decision from such a Committee would be the attendance of a large number of the legal members, but at the present moment many of those hon. and learned Gentlemen were absent from town upon circuit, and would continue to be so for some time. He thought, therefore, that the Committee should not meet until the assizes were over.

LORD JOHN RUSSELL said, he thought it desirable that the Committee should meet as speedily as possible, but of course he should wish to consult some of the other Members and the Attorney General before fixing the precise time. He considered he had taken the fairest possible course, for, in other cases, where hon. Members had taken a certain view of an Act of Parliament, they had introduced Resolutions confirming their views, but he had only moved for a Committee to inquire into the accuracy of the view he suggested.

MR. BOOKER-BLAKEMORE remarked that he felt bound to move that the sitting of the Committee should be deferred for a month.

Question, "That the word 'five' stand part of the Question," put, and *negatived.*

Question, "That the word 'nine' be there inserted," put, and *agreed to.*

Main question, as amended, put, and *agreed to.*

Ordered, That Nine be the quorum of the said Committee.

MR. BOOKER-BLAKEMORE said, he wished to know whether he was too late to move that the sitting of the Committee be postponed until that day month.

Mr. Henley

MR. ROEBUCK asked whether it was competent for a Member to make such a Motion without giving previous notice?

BUSINESS OF THE HOUSE.

MR. WILSON said, it might be for the convenience of the House that he should state the course the Government proposed to pursue with respect to the business for to-morrow. Although it was not usual, except at the close of the Session, to take Supply on Wednesdays, yet, as that day was by Standing Orders a Supply day, the Government proposed, if there should be no strong objection on the part of the House, to proceed with the Civil Service Estimates to-morrow (this day) after the other business, which was light, had been disposed of.

MR. DISRAELI: Will the Militia Estimates be brought on to-morrow?

MR. WILSON: No.

MR. W. WILLIAMS hoped the Government would not proceed with Supply to-morrow, as very few hon. Members usually attended on Wednesdays. It was a course he never remembered to have seen taken.

THE CHANCELLOR OF THE EXCHEQUER said, that he now rose to move that the Speaker do leave the chair. In reply to the hon. Member for Lambeth (Mr. W. Williams) he had to remark that, although it was unusual to proceed with Supply on Wednesdays, yet, unless they did so now it would necessitate the consumption of another night in discussing the Civil Service Estimates.

MR. HENLEY hoped it was not intended to take Supply before the Motions of private Members had been disposed of to-morrow.

MR. WILSON replied in the negative.

MR. WISE said, he must express his surprise at the objections which had been started by the hon. Member for Lambeth (Mr. Williams), who complained so often about midnight sittings. The morning was the best time for disposing of business, as at that period their heads were cool and their hands steady.

MR. SOTHERON ESTCOURT asked whether Supply would be taken on Thursday or Friday night, as he wished upon the Motion for going into Committee to bring the subject of the Euphrates route to India before the House.

MR. WILSON said, the Report upon the Probates Bill would be taken on Thursday, and in all probability Friday would be occupied with other business which would prevent the House from going into Committee of Supply.

MR. SOTHERON ESTCOURT said, in that case he should on Friday take the opportunity of the Motion for adjournment to bring forward the subject to which he had referred.

DIVORCE AND MATRIMONIAL CAUSES BILL.

Order of the Day for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. WARREN: Mr. Speaker, I feel that I have great cause for entreating the indulgence of the House, with scarcely any grounds for preferring such a claim, while taking the rather unusual course, for the purpose of which I have risen—of moving that the House go into Committee on this Bill on this day three months. But I tried on Friday last several times, in vain, to catch your eye, my last attempt having been made when you called on the Attorney General, who, without my having seen him, had risen at the same moment to close the debate on the second reading of this Bill. I was exceedingly anxious, indeed, to express my opinion at that stage, for I regard the Bill as one of enormous importance, permanently affecting the social and moral welfare of the country. Why such a measure should be thus relentlessly thrust through the Legislature, with such heedless haste, at this period of the Session, when we are all exhausted—when everybody is sighing to be somewhere else than here—I really cannot comprehend. I appeal to hon. Members on all sides, whether the House is not almost visibly pervaded with a universal sense of lassitude—and well it may, when we consider how our mental and physical energies have been taxed by protracted daily and nightly sittings. Independently of attendance on Committees, public and private, have we not had to sit here almost daily, from twelve o'clock in the day till two, and even three o'clock—more than once even considerably later—in the morning? And this with only two hours' interval between the two sittings? And as our strength for practical purposes of legislation is thus rapidly failing, so are our numbers as rapidly diminishing;—and yet the Government persists, in spite of remonstrances and protests, in going on, under such unfavourable auspices, with a Bill of greater real importance than will perhaps be before Parliament in our time—one universally and permanently affecting the national interests for good or for evil, but for evil, as I verily believe. Yes, this Bill is to be pressed on with this intemperate haste, with all the power of the Government, who will afterwards boast to the country of that Bill having been carried by large majorities; but the country does not see the state of our benches, or rather the state to which they will be reduced when the Bill is being forced through its final stages.

Sir, we have often been referred, during this discussion, to the Report of the Commissioners of 1853, on which this Bill is founded; but no one has yet adverted to the important fact, that, confident as is the tone of the Government in referring to that Report, it was by no means a unanimous one. As so much has been said about it, I also wish to say a few words on the subject. The Commission which issued this Report, consisted of seven noble Lords and right hon. Gentlemen, of every one of whom I wish to speak with consideration and respect—and of one of them in particular, my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), with the most cordial regard. I differ from him fundamentally on this subject, and with great pain, for it is the first difference of opinion, on a political subject of any importance, which we have had during a close friendship of a quarter of a century. Sir, that Commission consisted of Lord Redesdale, Lord Campbell, and the late Lord Beaumont; my right hon. Friend the Member for the University of Cambridge, Dr. Lushington, Vice-Chancellor Page Wood, and the right hon. Gentleman opposite, the President of the Poor Law Board (Mr. Bouverie). Now, Sir, the chief member of this Commission, Lord Redesdale—for whose opinion all must feel respect, and none more than my right hon. Friend (Mr. Walpole) beneath me, his kinsman—dissented on a vital point from his brother Commissioners, and his reasons for so dissenting, most ably stated, and, to my mind, with irresistible force, are appended to the Report. I shall trouble the House with only two extracts. He says:—

> "The number of Divorce Bills during the last two years before 1853, including all in the United Kingdom, and in military and civil employ in India and the Colonies, was only forty-three. It can hardly be argued that so small a number of cases affords ground for an alteration of the law, unless such an alteration should appear in other respects necessary and expedient."

And then he proceeds thus, and I beg the attention of the House to the passage:—

> "Once create an appetite for such licence by the proposed change, and the demand to be permitted to satisfy it, will become irresistible. The cry for cheap law has, of late years, been universally attended to; and the result" [of such a Bill as proposed] "will but too probably be, that these delicate and important questions will be brought before inferior tribunals, where the number of the Judges—each acting separately—will render anything like uniformity of decision, in the circumstances which are to rule in refusing applications, impossible, and must ultimately tend to extreme facility in obtaining such divorces. For these reasons it is, in my opinion, expedient that the law of England, which now holds the marriage tie to be indissoluble, should remain unaltered; and that the practice of passing exceptional laws, in favour of particular cases, should be henceforth discontinued."

Sir, I think this an equally temperate and impressive statement of the case, and it is one which has my cordial concurrence, after having long and deeply considered the question, by such lights as I had, in all its bearings. So much for the Commissioners' Report, to which I shall presently have to return. But, Sir, this question does not come before this House now for the first time. In the year 1830, the late Dr. Phillimore, a man of great accomplishments, and wide experience in these matters, from his extensive practice at Doctors' Commons, moved for a Committee "to consider the state of the law of Divorce, and the expediency of enabling persons to obtain divorce *a vinculo matrimonii* in cases of adultery, by legal process, in courts of competent jurisdiction." This Motion was discussed at length, eminent men of all parties sharing in the discussion, and the House rejected the Motion by a large majority. Now, Sir, on this question of the dissolubility or indissolubility of marriage, I beg to read to the House, in very few words, the opinion of four distinguished speakers on that occasion. Dr. Phillimore said:—

> "There are two points against which I am anxious to guard. I wish to have it understood distinctly, that it ought to be the principle of the law that marriage is indissoluble. The interests of families—of the whole community, composed of families, demand that marriages should be declared indissoluble." [2 *Hansard*, xxiv. 1267.]

The Solicitor General said:—

> "I, for one, should be sorry to see a court established for trying the mere question of divorce between parties; being persuaded that if such a court be established, questions of divorce will be as frequently brought for decision, as questions of property in other courts. But as it is desirable to throw impediments in the way of divorce, rather than to render it easy for persons of every rank to obtain that relief, I shall certainly always set my face against supporting a separate court to give cheap divorce to the people." [*Ibid.* 1275.]

Sir Robert Peel and Mr. O'Connell took part in that debate, and for once, and on so momentous a question, too, concurred in opinion. The right hon. Baronet said:—

> "With reference to public morality, however, it appears to me that it will be much better to retain all the existing inconveniences, than to make divorce so easily attainable. To do that will be to hold out a temptation to adultery" [*Ibid.* 1287.]

which is the heavy fear now weighing on my own heart in respect of the operation of this Bill. But what said Mr. O'Connell?—

> "I wish, with the hon. Mover, that the poor shall be placed on the same footing with the rich, in regard to divorce; but I would accomplish that, not by giving it to the poor, but by refusing it to the rich. * * * If we regard the subject merely as statesmen, I would ask—are the upper classes of society, who can obtain divorces, more virtuous than the lower, who cannot? No man will say that they are: and is not divorce a temptation to adultery? Does it not give another argument to the seducer, when it enables him to say that he will restore the object of his passion to her rank again, or perhaps raise her to a higher rank than before? * * * The Christian law, the canon law, the common law, and the law of both the Catholic and Protestant Churches, are all upon my side." [*Ibid.* 1272.]

These were the opinions of persons of authority and influence in this House, and such its decision upon this subject twenty-seven years ago; and I earnestly beg the eager promoters of this Bill to inform us what has happened during that interval which should force us, in 1857, to a conclusion opposite to that of 1830? Whence comes the cry for this change? By whom, and why, is it preferred? and so preferred, that the change should be effected with such precipitancy? But my hon. and learned Friend the Attorney General told us the other evening, in introducing the Bill, in the course of his very able, very skilful, and very subtle speech—I quote his own words, which I took down at the moment they fell from him—that "the law will remain what it has been settled to be for the last 150 years;" that "the Bill makes no material alteration in the law of England on divorce, as judicially administered by the highest court of law in the land." I cheered him when he made that statement, for I own I was astounded at his boldness in making it—one which will have startled our professional brethren out of doors, as well as those of us who have the honour of seats in this House. Why, Sir, I could overwhelm my hon. and learned Friend with testimonies to the direct contrary of his assertion. What says our great commentator, Sir William Blackstone?—

> "The canon law, which the common law follows in this case, deems so highly, and with such mysterious reverence, of the nuptial tie, that it will not allow it to be unloosed for any cause whatever, that ariseth after the union is made. And this is built expressly upon the revealed law. With us, in England, adultery is a cause only for separation from bed and board; for which the best reason that can be given is, that if divorces were allowed to depend upon a matter within the power of either of the parties, they would probably be extremely frequent."

But if this be not enough, I will—if it be not like seething the kid in its mother's milk—convict my hon. and learned Friend of error, out of the mouths of his own Commissioners, who, in their Report of 1853, thus conclusively settle the matter against him. For thus they speak—

> "With regard to divorces which rescind the marriage contract, strictly speaking, they are unknown to our law. By the law of England, that contract is indissoluble; and when once it has been constituted in a legal manner, there are no means of putting an end to it, in any of our courts."

What can my hon. and learned Friend answer to this? I could cite Lord Coke, and almost all our other great law authorities—but surely, my last quotation ought to suffice, against the Attorney General. Yet I will cite, in a single sentence, the authority of another great legal luminary, Lord Stowell—*clarum et venerabile nomen*:—

> "Though, in particular cases the repugnance of the law to dissolve the obligations of matrimonial cohabitation may operate with great severity upon individuals; yet it must be carefully remembered that the general happiness of the married life is secured by its indissolubility."

The same result is arrived at, and stated as his deliberate conclusion, by one of the most distinguished of living writers and academic teachers of the philosophy of morals—I mean Dr. Whewell. He says—

> "The leading point of Christ's teaching is plain; that the Christian was not to be content with such an imperfect view of the marriage union, as was placed before the Jew; but was to aim at that higher view which was manifested when, in the beginning, God made them male and female.—That same knowledge that the union cannot be dissolved, tends to control the impulses of caprice, ill-temper, and weariness of married life—and thus, the exclusion of divorce tends both ways—to the promotion of conjugal love, and of conjugal happiness."

Sir, my right hon. Friend the Member for the University of Cambridge, the other evening, in the course of his eloquent and telling speech in favour of the Bill, quoted one or two passages from distinguished divines of our Church, both as opposed to the doctrines of the indissolubility of marriage, and to the denial of the right of contracting another marriage, on the dissolution of a former one for adultery. Sir, no one knows better than I do, my right hon. Friend's familiarity with our great writers on divinity—for we have, if I may so speak, dug long in that rich mine of eloquent wisdom together — I, too, will quote from that quarter—I will cite the opinion of one who is illustrious indeed—the venerable, the incomparable — as Locke calls him, the judicious—Hooker. In his Ecclesiastical Polity he speaks thus, in language well worthy of the House listening to, and weighing—

> "The ring hath always been used as an especial pledge of faith and fidelity:—nothing more fit to serve as a token of our purposed endless continuance in that which we never ought to revoke.
>
> "The Christian marriage is, according to the Holy Scripture, a life-long compact, which may, sometimes, be put in abeyance, by the separation of a couple; but which can never be rightfully dissolved, so as to set them free to unite, during their joint lives, with other persons."

Sir, I see the impression produced by the words of this great teacher, and must set them off against those cited by my right hon. Friend. Well, Sir, I contend that I have established by irrefragable authority—on the testimony of eminent practical statesmen, of great judges, of distinguished moralists and divines—that the law of England has always regarded marriage as indissoluble, and has done this in accordance with the teaching of Christian morality. I say that it is a doctrine of incalculable importance for the highest interests of society, that marriage should be indissoluble, and yet the Attorney General spoke of it with a sort of subdued contempt, as "that unreasonable law of the indissolubility of marriage:" and he said, as I took it down, "the law will remain as before, but the mode of getting at it will be divested of existing objections." What proof did he attempt to give that the law will be under this Bill as it had been before it? Why, he adduced as such proof, that which established exactly the reverse—namely, some three or four legislative interpositions a year, during the last century and a half, for the purpose of cutting the gordian-knot of matrimony. What reason for the Legislature thus interfering, if marriage was already legally dissoluble? Sir, the thing seems to me not to bear arguing. And as to those legislative interferences, all jurists, the old Roman as well as the modern ones, concur in condemning such *privilegia* as vicious in every point of view; sinning against the very first principles of legislation, partaking of the odious characteristics of *ex post facto* laws, and granting benefits to individuals not given to the public at large. I need not quote the eloquent language in which Cicero denounced such modes of procedure. But, Sir, I turn again to the Report of the Commissioners of 1853, and there I find let out, as it were accidentally, the origin of this deceptional and mischievous legislation. "The object of Lord de Roos' case," the earliest, I believe, "was, to continue the succession, and probably the Peerage, in the male line." And then the Commissioners, with a rather quaint candour, append this note: "It is probable, that this is the real reason why Divorce Bills were allowed. Not only is there a recital to that effect in Lord de Roos' case, but there is a similar preamble in the Duke of Norfolk's!" If this be so—and it is not I, but the Government and their supporters who are relying on the authority and weight due to this Report—it is possible that those exceptional and vicious acts of *ex post facto* legislation, with such an object in view, prove the law of England to be, that marriage is indissoluble? I deny it. I deny it *in toto*, I deny it on principle, I deny it on authority—and I say to the Government, I again press for the reason of your driving on your Bill with such reckless haste and pertinacity, for the purpose of subverting a great principle, lying at the very bottom of our laws, morality, and religion. Sir, the main-spring of the mechanism of the Bill before us, is this dissolubility of the marriage-tie, which it declares; but I see breakers a-head. I predict, that if the Bill be carried in its present state, most serious consequences, and of a nature and extent not yet to be estimated, will ensue. You declare by the 53rd section, that after a decree of the dissolution of a marriage, "it shall be lawful for either party to marry again, as if the prior marriage were dissolved by death." So that not only may the innocent aggrieved party marry another, but the guilty parties may intermarry; and if so, the clergy may be called on to marry them. Now, Sir, allusions have more than once been made to a certain Declaration, or Address, a copy of which I hold in my hand, and which I am informed, on excellent authority, has appended to it the signatures of nine thousand—[Mr. GLADSTONE: Now nearly ten thousand]—clergymen of the Established Church. I am content to take it as nine thousand; and if so, what is the Declaration? I will read it to the House:—

> "We, the undersigned Clergy of the United Church of England and Ireland, being mindful of the vow made by us at our ordination, that we would 'give faithful diligence always, so to minister the Doctrine, and Sacraments, and Discipline of Christ, as the Lord hath commanded, and as this Church and realm hath received the same,' hereby express our earnest desire that facilities, unauthorized by Holy Scripture, and by the law and ritual of the united Church of which we are ministers, may not be given to the dissolution of Holy Matrimony.
>
> "Remembering also, that it is declared in the Word of God, that marriage with a divorced woman is adulterous, we fervently pray that the Clergy of this realm may never be reduced to the painful necessity of either withholding the obedience which they must always desire to pay to the law of the land, or else of sinning against their own consciences, and violating the law of God by solemnizing such marriages as are condemned as adulterous in His Holy Word."

Sir, is not this temperate, grave, and resolute, in expression and in spirit, and does it not suggest matter for equally grave consideration on our part? Who are these nine thousand? where will you find such another body of men? Men of education—of the best education the country can give—men of virtuous and holy lives—ministers of Christ—respected and beloved by those over and among whom they are placed, and who have given infinite instances of their disinterestedness, sincerity, and determination, in what they deem matter of conscience and duty. They are so many radiating centres of social influence of the most extensive and enduring kind. Now, Sir, I regard the existence of such a document, as, of itself, a great fact. You will be unwise to attempt to disregard or undervalue it, only that you may be undeceived when difficulties may have arisen, which will have become equally serious and insuperable. Sir, the latter paragraph of the declaration to which I am referring, touches a point of infinite speculative as well as practical delicacy and difficulty—namely, the duty of the subject to obey a law set in plain unequivocal terms, which is really believed to be in conflict with the law of God. Who, however, is to determine that momentous question? Every one for himself? But what is to become of society, if every man's obedience to the law is to depend on his own notion of its conformity with the law of God? Sir, law is law, so long as it stands enacted by the sovereign power of the State, even though that law be a bad one; and it must be obeyed by the subjects of that State, however strenuous and praiseworthy their efforts at the same time to abrogate such a law. It is true that Sir William Blackstone has said, in language requiring to be received with much caution, that "no human laws are of any validity, if contrary to the law of God;" but I entirely agree with the Attorney General, in his assertion of the supremacy of the law over all states and conditions of men, and I think that the clergy should and will be the last to question such a doctrine. Yet, I ask, is this a position—equally painful and perilous—in which to place such a body of men? Surely we see here a rock on which we ought not to drive them, and least of all, lightly drive them. I contend that the very existence of such doubts and difficulties is an argument against exposing our clergy to such a harassing dilemma. Sir, this declaration, as I read it, raises distinctly the two great questions—does the Gospel permit marriage to be dissolved at all during the life of the parties, and even if it do, is the subsequent marriage of either, during the other's lifetime, lawful? It is not my intention to go at large into this grave and troublesome question, which has already been fully discussed here. And I must do my hon. and learned Friend the Attorney General the justice of saying, that he handled this delicate—this sacred subject—with becoming tenderness and gravity. Indeed, Sir, humble as I am, as a Member of this House, I wish the fact to be known universally out of doors that—speaking, at least, from my own observation—here the Holy Scriptures are never quoted or alluded to, but with profound respect and reverence, as well they may be, in a Christian Legislature. I recognise no other basis of Christian legislation than the Holy Scriptures; and if it be clear that the Gospel forbids such a law as that proposed to us, we cannot give it our sanction. Now, I have studied this part of the subject with care, and have arrived at the conclusion, that Christ himself has declared marriage indissoluble, and declared it in plain terms of universal obligation. If the Gospels of St. Luke and St. Mark had stood alone, there could, of course, be not a shadow of doubt on the point; and my opinion is, that the Gospel of St. Matthew — a few words of which have alone raised this doubt — properly construed, harmonizes with the other two, and forbids the dissolution of marriage for any cause. ["No, no!" *and* "Hear, hear!"] That, at all events, is my own deliberate opinion. Our Saviour, when surrounded by the presumptuous and profligate Pharisees, refers them to the original command, given by himself, whereby husband and wife were no more twain but one flesh, and authoritatively concluded the whole matter, by adding, "What, therefore, God hath joined together, let not man put asunder." He who first gave the command, thus at once expounded, and re-enacted it; and if that be so, there can be no further question, and this Bill must be rejected. This, I must add, is the view taken by so large a body of the teachers of our Church, and with every disposition to cling to the right of private judgment, I hold that the utmost deference is due to those teachers, as expositors of scriptural truth. But they follow out their reasoning practically, by saying that there could be no marriage between parties who still remained bound by their original marriage tie; and infinitely beyond all was it objectionable and sinful, to allow the ceremony of marriage to be performed between the parties to the adultery. Yet this Bill allows it. Now, what say the Commissioners on this subject?—

> "The question whether the guilty parties should be restrained from intermarrying is one of immense importance, involving so many and such vital considerations of national policy, that we forbear to do more than call attention to it."

It appears from an interesting Report drawn up by Mr. MacQueen, a gentleman of great ability, and who has devoted much attention to this subject, that though the law of Scotland allows a dissolution of marriage for the cause of divorce, marriage between the guilty parties is forbidden by special statute; which is also laid down in so many words in Erskine's Principles of the Law of Scotland. So that the Bill before us proposes to establish a law fundamentally different from that in the sister kingdom! And are the clergy really to be compelled to celebrate such marriages, and after their public, deliberate, solemn declaration of their opinion now before us? Do you think they are likely to discard that opinion? I think the clergy are, at all events, under great obligation to my right hon. Friend the Member for the University of Cambridge, for the relief to their conscientious scruples which he proposed the other evening. If, indeed, that much, at least, be not done, I foresee exceedingly grave results, for which those are doubly responsible who are forcing on this Bill in such a manner, at this period of the Session. But, suppose this relief afforded by the expedient of having such new marriages celebrated before the superintendent registrars — let us remember, that there is such a thing as a union between Church and State; and here we shall have the appointed ministers of the Church declaring such marriages to be mere adulteries, and the State at the same moment saying to the same parties, "Never mind the Church—go and be married under the authority of the State." Is that a safe procedure? Is that, Sir, encouraging the people to respect the authority and teaching of the Church? Or is it not directly rending asunder the connection between the Church and the State? Nor, Sir, is this by any means all. Let us suppose this measure, in this form, become law, and the clergy retaining and acting on their present opinion. Have we considered one of the consequences? They will regard so-called married adulterers as living in open sin—as being, in the language of the rubric, "open and notorious evil livers;"—to whom they are bound to deny the Holy Communion. To what perils and scandals may not such a state of things give rise? I believe that this is one of those evils which are foreseen by the clergy; and, indeed, the further you pursue this proposed new law into its probable consequences, the thicker is your path strewn with the thorns of perplexity and danger. Why, then, will the Government persist in their present course? The further our discussions on this all-absorbing subject penetrate into the country, the greater is the alarm—the greater the repugnance to this new law, especially among women. Indeed, Sir, it is pre-eminently a woman's question—and I understand that a petition against the Bill is on the eve of being presented to the Queen, signed by 16,000 women; and yet the interests of both sexes, and in every rank of life, are inextricably involved in the adoption or rejection of the measure. I do not deny that the Bill contains clauses not only unobjectionable, but which meet my highest approval; I mean all those clauses—but which will require modification — having in view the protection of wives against cruel and profligate husbands. Thus far, indeed, the eloquence of woman's silent anguish—for her heart too often bleeds and breaks in silence—has reached the ear of the Legislature, which listens to it; but let it also listen to her passionate pleading on behalf of that institution in which are centred all her affections and hopes—the institution of holy matrimony. It bears upon it, in her eye —and the eyes of us all—the bloom of the original Eden, and yet you are about to soil and sully it with the polluting breath of the adulterer. It is an institution full of purity and mystery—and its indissolubility seems to me the very basis or essence of both. You may see this unequivocally displayed, in the form and language of the ceremony of marriage itself, and you must alter—you must remould that ceremony, if this Bill pass. As that ceremony now stands, it will be quite at variance with the law of the land as we are about to make it. The prayer contains these words—"and knitting them together, didst teach that it should never be lawful to put asunder those whom Thou, by matrimony, hadst made one;"—and this is the marriage vow:—

> "Wilt thou have this woman to thy wedded wife to live after God's ordinance in the holy estate of matrimony? Wilt thou love her, comfort her, honour, and keep her in sickness and in health; and, forsaking all other, keep thee only to her, so long as ye both shall live?—The man shall answer, I will."

Remove this element of indissolubility, and how much of the hallowed and hallowing character of matrimony vanishes! Depend upon it, Sir, with that attribute of indissolubility are linked inestimable and incalculable blessings; it extinguishes at once and for ever all unholy and vicious hopes and prospects; it makes each party become everything to the other. Sir, the effect of this Bill will be, to put an end to this state of things—to make the hallowed tie severable on the impulse of guilty caprice and passion—to propose illicit objects for contemplation. Indeed, if I may be forgiven for so characterizing the Bill, it should be called a Bill for "bringing home" bigamy "to every man's door;" and its true reading is, "the art of adultery made easy." It introduces a new and unsightly element into our social system, and I view its action with the utmost apprehension. But, Sir, I really must beg pardon of the House for having trespassed so long on its great kindness and forbearance, considering how unusual is the step which a sense of duty alone has impelled me to take. Before resuming my seat, I would make a last earnest appeal to the noble Viscount at the head of the Government; and supplicate him to give us, to give the country, breathing time—an opportunity of considering deliberately a measure of such paramount and permanent social importance, as that into the details of which he is determined to drive us to-night. Again, I would remind him, not deterred by his good-humoured raillery the other evening of my hon. and learned Friend the Member for Wallingford (Mr. Malins), of the lassitude and exhaustion under which the Members of this House are really suffering. It is not many of us who are blessed with the extraordinary energies of the noble Viscount. I congratulate him heartily on the possession of his powers, both physical and mental. Long may he enjoy them — long may he continue here —long and bright may be the evening of his lengthened political life. I congratulate him, though politically opposed to him, on his being personally the object of so much public favour as has undoubtedly placed him in his present commanding position; but by that very public favour—by every consideration which can and ought to influence him, or any one in his position—I conjure him to have regard to the permanent interests of the country to which he is so much indebted for its confidence. Let him not persevere with this dangerous Bill—or, at all events, let him, with a dignified deference to appeals from so many and such estimable quarters both in and out of Parliament, resolve to give us an opportunity of thoroughly, at our leisure, and after consulting our constituents, exercising and weighing such a Bill as this—one which—however he, perhaps, thinks otherwise—may cloud and disturb the serenity of his declining years, from the consciousness that he had irreparably compromised the best interests of that country which had entrusted them so frankly to his keeping. Sir, I beg to move that this House do go into Committee on this Bill on this day three months.

MR. STEUART seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

MR. BAINES said, his object in rising was to entreat the House, without further delay, to go into Committee, with a view to the consideration of a measure, the principle of which had received the distinct and deliberate sanction of the House. The principle of the Bill had already been discussed by the House on more than one occasion; for the debate on the Motion of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) for the postponement of the measure, was conducted mainly with reference to the principle of the Bill, and the House decided by a majority of nearly two to one that it was a principle which ought to be taken into consideration by the House; and, again, after the debate on the second reading, the principle was accepted by the House by a majority of more than two to one. Nevertheless, the hon. and learned Member for Midhurst (Mr. Warren) had again opened the discussion on the principle of the Bill. He hoped, nevertheless, that the House would now think that the principle of the measure had been sufficiently discussed, and that the measure was ripe for the consideration of its clauses in Committee, and would allow any Amendments which it might be deemed desirable to introduce to be dealt with during that stage of its progress. The hon. and learned Member for Midhurst himself allowed that there was something good in the Bill, and he (Mr. Baines) believed that it would be universally admitted that that provision of the Bill was a desirable one which took away from the spiritual courts the right of dealing with divorces *a mensâ et thoro.* The hon. and learned Gentleman himself had said that there was another important and advantageous provision in the Bill, and one which he would support—namely, the greater protection it afforded to women. But whatever were the differences of opinion which existed, let them now proceed to discuss those points of difference on the clauses as they arose. Let them on the 25th clause discuss the question of the dissolubility of marriage, and on the 53rd clause the claim of clergymen to be exempt from marrying divorced persons; and, if it turned out that the House adopted any of those propositions to which hon. Gentlemen were opposed, let them renew their objections, and if they thought it necessary, record their votes against the Bill on its third reading. That would be the proper course, unless there was—and he thought he perceived signs of it—a premeditated intention to defeat the Bill by delay. He did not propose to follow the hon. and learned Member for Midhurst through the various arguments he had urged against the principle of the measure, but there was one point to which he had adverted which was of paramount importance, and with regard to which it was impossible that the truth could be made too clear. The hon. and learned Gentleman said that the Attorney General was wrong when he stated that by the law of the land marriages might now be dissolved. The hon. and learned Gentleman said that by the laws of England marriage could not be dissolved. In reply to that assertion, he would refer to an authority to which, on any question of English law, he presumed the hon. and learned Gentleman would bow. He alluded to the authority of the Lord Chief Justice of England, who was not only the head of the first common law court in the kingdom, but also the head of the Commission which inquired into the subject; and what did he say on the 19th of May last? He spoke as follows:—

> "He thought he might attempt, perhaps not unsuccessfully, to quiet the apprehensions of his noble and learned Friend (Lord Wensleydale), who complained that by this Bill they were altering the law of the land, for by the law of England marriage was indissoluble. That was a mere legal subtlety, spoken by a lawyer, and contrary to fact and common sense. For the last 200 years marriage by the law of England had been dissoluble for adultery. For 200 years it had been a matter of right that a husband whose wife had been unfaithful, and who had been a kind and attentive husband, might apply for a divorce, and a divorce he was sure to obtain. It was true that in Bills of divorce their Lordships nominally acted legislatively, but they really and to all intents and purposes acted judicially—they saw that the allegation of adultery was fully sustained, and then as a matter of course they granted the remedy prayed by the injured party. That had been the invariable course; and by the practice, therefore, of the law of England, any one proving adultery had a right to a divorce, and to marry again. He had the honour to be at the head of the Commission appointed in 1850; the object of the Commissioners was not to alter the law, but the procedure by which the law was carried into effect. They were shocked at the complexity of that procedure—first that there should be an action for *crim. con.*; second, a suit in the Ecclesiastical Court for a divorce *a mensâ et thoro;* and then a petition for a Bill in their Lordships' House. The noble and learned Lord on the woolsack had spoken of three different proceedings, but he had really understated them. There was a fourth. The whole matter might be investigated over again at the bar of the House of Commons; and, although of late years the House of Commons, out of decency, had accepted the evidence taken at their Lordships' bar, he had himself examined witnesses at the bar of the other House to prove the adultery for the fourth time. He thought these repeated exposures very much to the detriment of public morals."—[3 *Hansard*, cxlv. 511.]

He (Mr. Baines) apprehended that that authority could not be questioned even by the hon. and learned Member for Midhurst, and he thought that it fully justified the opinion which the Attorney General had stated. This was the single point on which he was anxious to say a word or two, for it was important that the public should know that the Government was not introducing a new law, but rather a new mode of enforcing a law which had prevailed for the last 200 years. He hoped that the House would now go into Committee on the Bill; and he was bound on the part of the Government to say that they would do all in their power to carry a measure of the justice and propriety of which they were fully assured.

Mr. STEUART said, that having seconded the Amendment of the hon. and learned Member for Midhurst, he trusted he might be permitted to offer a few observations to the House. In the first place, he must express his gratification that the importance of the measure had at length been recognized. It was, indeed, of so much importance that it was extremely undesirable it should be passed with undue haste through the House of Commons, and he would contend, in answer to the charge of a disposition to delay the passing of the measure which had been brought against those hon. Members who were opposed to its principle, that there were occasions upon which to take advantage of the forms of the House with that view might be justifiable. The Bill was one of a character which ought not, in his opinion, to be pressed through the House at the fag end of the Session, when, as was indicated by the division list, there were not one-half of its Members present, to record their votes upon the second reading, and when there was every reason to suppose that, in a few days, their number would be still further diminished; yet the right hon. Gentleman who had just sat down seemed to take great pride in the majorities by which the principle of the measure had been affirmed. And upon what grounds, he would ask, did the noble Viscount at the head of the Government urge on, under such circumstances, a Bill the operation of which was calculated to affect, to a most material extent, the wellbeing of the community, as well as the interests of the Established Church herself. Declarations were pouring in from the clergy against the measure, which more than 100,000 persons had petitioned against. Was he not, therefore, justified in saying that the Government were attempting to force upon the House a Bill which was viewed with repugnance and dislike by the country? He was happy to be able to state that, in previous debates in that House, considerations founded upon Christianity and Scripture had alone been admitted. It had been argued that Scripture allowed the dissolubility of the marriage tie, although few had asserted that it permitted the marriage of the guilty parties. He would not enter minutely upon the Scriptural argument, but the balance of authority seemed to him to prove that, if a marriage were dissoluble, the permission to dissolve it was of a doubtful and dangerous character; but that, at all events, there was an overwhelming balance of testimony of ancient and modern divines against the marriage of the guilty parties. Passing by the authority of the Church, although the number of the clergy who had signed the declaration against the Bill was not to be disregarded, he would inquire how the representatives of the Universities had voted on this Bill —because the conduct of the representatives of the Universities might be taken in some degree as representing the feeling of the clergy? The great weight and influence of the Members for the Universities of Oxford and Dublin had been given against the measure; and, although the right hon. Gentleman who represented the University of Cambridge thought the principle of the Bill might be justly and safely conceded, yet his hon. and learned Colleague deemed it safer and better to negative the second reading. It had not been proved to his satisfaction that, by the common law of England, marriage was dissoluble. The authority of the Lord Chief Justice of England had been quoted on one side, but the opinion of Lord Wensleydale was not to be despised, and that noble and learned Lord said that, by the law of England, a marriage once contracted was always indissoluble. Lord Coke had also given his opinion to the same effect, when he said— "a divorce by reason of adultery cannot dissolve the marriage *a vinculo matrimonii*, for the offence is after the marriage." With regard to the Scriptural argument, he was at one time under the impression that the divorce of a wife for adultery was allowed by Scripture; but, on comparing Scripture with Scripture, that view had been much shaken. He admitted that the passage from St. Matthew might admit the interpretation put upon it by the supporters of the present Bill; but it was impossible to reconcile the language of St. Paul with that interpretation. As to the word *πορνεία*, it did not mean the single sin of adultery, but other sins of the same character. It was said that all the Protestant Churches had agreed upon this subject; but it was at least a matter upon which their interpretation might be very reasonably questioned, and their agreement could not be described in the formula of the ancient canon—*quod semper, quod ubique, quod ab omnibus*. He could not accept the dicta of Archbishop Cranmer and Milton on this subject; and when the right hon. Gentleman the Member for Cambridge University (Mr. Walpole) said he would not enslave those whom God had made free, he would reply that, if the House were convinced that the letter of Scripture was not plain and precise, it was a serious matter for consideration whether it was expedient now to alter the law. He thought there were grave reasons why it was neither right nor expedient. The hon. and learned Member for Midhurst (Mr. Warren) had quoted some words of Lord Stowell, and he also (Mr. Steuart) would quote some other words of that eminent and learned person, though they had often been quoted before, "that the knowledge that persons must continue to live together as husband and wife often made good husbands and wives, for necessity was a powerful master in teaching duty." He had been much struck by an observation of the hon. Member for West Surrey (Mr. Drummond), that if this Bill passed, you would take away the power, on the part of the husband, to grant that condonation which he should be sorry to see excluded from contemplation in a Christian country, but which, so far as it could be affected by legislation, would be prevented by the passing of this Bill. It might be the law of honour for the husband not to forgive an erring wife, but he had yet to learn that it was consistent with the spirit of Christianity to take away the power to do so. The right hon. Gentleman opposite (Mr. Baines) urged the propriety of postponing these objections until the Bill was in Committee; but if the House agreed to go into Committee at the fag end of the Session, when Members were leaving town, and when the Government had a subservient majority at its command, what chance would there be of expunging the most obnoxious clauses of the Bill—the marriage of the guilty parties, and of passing a proviso permitting the clergy to act according to the dictates of their consciences in regard to the celebration of these marriages? Believing that the House was treading on doubtful and dangerous ground, he should take every opportunity of recording his vote against the principle involved in this measure. The right hon. Member for the University of Oxford alluded to the evil which might arise under this Bill, in forcing the consiences of the clergy, and the secession of the clergy in Scotland had been alluded to by another hon. Member, that secession arising from the law of the land being different from what they considered to be the law of the Church. The secession of the Scotch clergy arose out of the rules for the ordination of ministers; but that point was not to be put in comparison with the objections which might be felt by the clergy in England in reference to the serious consequences the present Bill might entail in loosening the ties of morality. Was it not to be feared that, as had happened in Scotland, a large portion of the clergy in England might feel it their duty, if this Bill passed, to secede from the Established Church? He entreated the noble Lord at the head of the Government to be content with the triumphant majority which had affirmed the principle of the Bill, and to pause before forcing the measure through Parliament during this Session. There might be good provisions in it, such as the establishment of a better tribunal for deciding on divorces *a mensâ et thoro*, and that for the abolition of the action for criminal conversation; but such matters sank into insignificance compared with the objections of those who held the marriage tie indissoluble, and the remarriage of the guilty parties prohibited. He hoped the noble Lord, though he had carried large measures, and might be able to add the capital to the edifice by doing away (though in this respect he did not agree with the noble Lord) with the last measure of intolerance in respect to the Jews, would not let it be said that he had also carried a measure likely to have the most evil effect on social morality.

Mr. GILPIN said, that although he certainly was not one of the subservient majority of the Government which had been alluded to by the hon. Gentleman who had just sat down, for he had often found it his duty to vote against them, yet he felt it his duty to support this measure; but he would not have occupied a moment of the time of the House, but for the conviction that he entertained views on this subject somewhat different from the grounds which had been stated for and against the Bill by other hon. Members. He would not follow the hon. Member for Midhurst (Mr. Warren) or the hon. Member for Cambridge (Mr. Steuart) into the theology or law of the question, because, probably, he held opinions which might seem singular to the House: he believed he could read his New Testament without the intervention of any authority but the enlightenment of a higher Power. As regarded the law of the subject, the question before the House was not whether marriage should be dissoluble or not: that question had been settled long since, and the dissolubility of marriage was part of the law of the land. Hon. Gentlemen who opposed the Bill on that ground ought, in order to put themselves on a fair footing with respect to the proposition before the House, to have brought forward some proposal to do away with the licence of the present system, and the luxury, if it could be so called, for the rich of obtaining divorces. He had listened with great attention to the speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and he thought that that right hon. Gentleman had exhausted the subject. His strong point appeared to be this: he spoke very earnestly of the marriage tie and reminded the House that they were about to meddle with an ordinance which bore the stamp of God Almighty upon it. His (Mr. Gilpin's) answer to that was, that it was not for marriages which bore the stamp of God Almighty upon them that this Bill proposed to legislate. The hon. Member for Midhurst also had alluded to the solemn marriage ceremony of the Church of England, and the vows which were then taken; but where those vows were observed the Bill did not legislate; but when a noble wife was united to a vicious husband by a chain which might be called of gold, but which was often of iron that ate into the soul; or when a generous confiding husband was unhappily united to a vicious wife; or where — as in the lower classes was especially the case—they led a life of bickering and disunion, sometimes ending even in the death of one of the parties—he maintained that not all the sacraments of all the Churches could sanctify such marriages as these. He was, he confessed, not so anxious with regard to the remarriage of parties to a divorce, although he should support that provision of the Bill; but with regard to the possible objection of clergymen to remarry parties divorced, if the House went to a vote on that point in Committee, as an earnest advocate of the rights of conscience, he should vote against the provision to compel a clergyman to solemnize such marriages against his conscience. At the same time, as he did not happen to recollect any single instance of any Bishop or clergyman of the Church of England refusing to marry any Peer or any great commoner, or the wife of any Peer or any great commoner, who had been divorced, he did not anticipate such consequences from this provision as were foreboded by the hon. Member for Cambridge (Mr. Steuart). He did not believe that the result of the Bill, if it should become law, would be to multiply divorces, if it was meant that divorce of the heart, which was a real divorce, though not one by law; but he believed that by this Bill you would simply give to the poor and middle classes the privilege and the liberty which was given them by the law of England, but which had hitherto been enjoyed only by the wealthy and powerful.

Mr. BERESFORD HOPE said, that at the end of the Session, with one-half of the House gone out of town, and the other half wearied and fatigued, hon. Members were required to deliberate upon the grave and momentous question whether they should, by one single hasty Act of Parliament, alter the law regulating the most important and sacred of social and, he might add, political contracts which had existed in this country for 1,200 years—ever since Christianity was first spread among the Saxon race—and make marriage legally dissoluble, which for twelve centuries had been indissoluble by the laws of the land. He repeated that assertion. It was true that a few marriages had been, for the last century and a half, dissolved by a clumsy round-about expedient. The real statistical facts in reference to the matter were, that at present three or four divorce Acts crept through every Session, dissolving ill-starred unions in one particular class of life. In such cases marriage might be dissoluble, under existing circumstances, for persons in a high station of life; but for the general mass of the people—for the great body of the middle and lower classes, who gave her character to Britain, from whom England derived her strength, to whom the country looked in the hour of danger, and on whom the nation at all times relied—marriage was now, as it had been for 1,200 years, indissoluble. The millions might have seen vaguely recorded in their newspaper the passage of a divorce Bill, and they would probably be surprised at the fact, as they certainly would be shocked and disgusted, if they went further, and read those prurient details which were published to satisfy the ill-regulated curiosity of the morbid reader; but they never anticipated such an event as a divorce putting an end to their own union. Once change the law, however, by this Act, and the iron entered the soul of every Christian in the land. The principle would be asserted that marriages might be dissolved, and he asked, would those who wished to avail themselves of the licence be content with such a mockery, a delusion, and a snare, as the costly remedy provided by the present Bill? No; the remedy must become cheaper—it must be a matter for the County Court, or perhaps for the Petty Sessions; and two magistrates, on the first Monday in the month, might be the tribunal for divorcing marriages—and why not? If the principle were once asserted, why should not the remedy be as cheap, as easy, and as speedy as possible? That this was no chimerical anticipation—that such a state of things might take place in a community speaking our language, and in the main regulated by our customs—was proved by the example of that great Republic which, marvellous and admirable as it was in many of the relations of life, was neither to be admired nor to be imitated in the matter of marriage—the great Republic of the United States; for we had been informed that in one town of that confederation—San Francisco—no fewer than 130 divorces had taken place in one year, or one in every three days. He trusted that we might be some time before we reached to such a state in England; but we should be taking the first step towards it by passing the present measure, which would inevitably sap the foundations of public morality, by putting new ideas into the heads of the people, by creating new wants, and by stimulating them with new temptations. He believed we might not see the fruits of our legislation either this year or for many years to come. The growth of such vicious weeds would become ranker and ranker as fresh generations sprang up, which had not been educated, as now, in the belief of 1,200 years, that God's own ordinance of marriage was only to be dissolved by God's own act of death; and then would be seen the result of that error of legislation to oppose which was to be called factious, although that opposition had neither Conservatism nor Liberalism, nor any element of politics in it, but was the consequence of a strong desire to preserve intact the morality of this country, which happily in many respects stood very high. In the upper ranks of life there were considerations of society and other inducements, which, though secondary, were still very strong ones, to keep persons whose principles were weak in the path of duty; but among the lower classes, where persons were not rich enough, or had not means enough to choose their own friends, a woman united to her paramour would be considered as honest a woman as she had been before; or if not, she had only to remove a short distance to some other locality where she was not known, and she might go on enjoying the fruits of her evil commerce without shame or fear of earthly punishment. He was surprised to find that so little allusion had been made to that remarkable declaration which, in three weeks, had been signed by more than one-half of the entire clergy of the Established Church, embodying the spontaneous expression of their opposition to this measure—a declaration elicited by none of the clap-trap, and accompanied by none of the excitement, which usually characterizes such demonstrations, but, on the contrary, procured by the private and unobtrusive canvass of a few persons who thought earnestly on the matter. If there were one thing more than another which a prudent Government ought to avoid, and which always tended to the destruction of social order, it was the bringing of the State into collision with any religious body, whether that body were in connection with the State or unestablished; but, in this instance, the Government had gratuitously, without any invitation from the masses, without any popular feeling in its favour, and with no pressing need of any sort being propounded, run full tilt, with their eyes open, into the very jaws of danger. The very calmness of that declaration, and the moderation of the language in which it was couched, ought, one would have thought, to have frightened them. It was the language of men who felt what they said, and who were determined to act up to what they felt. It was none of those frothy effervescences which disappeared in the sparkle of their own emptiness; but it was the first cloud, no bigger than a man's hand, in the horizon, which in a few years might end in storm, and darkness, and tempest that would precipitate that ruin occasioned by those who had brought on such a crisis. He believed that this was an unexampled case in the history of legislation. The table of the House had been covered night after night with petitions—which might be numbered by hundreds, and the signatures to which might be counted by tens of thousands—against the Bill, while not one petition, so far as he was aware, had been presented in its favour. At least, then, the popularity of the Bill was nothing; its emergency also was nothing, and there was no reason why it should be pressed at this period of an exhausted Session, but the miserable and mischievous desire to boast of having accomplished something. That was the only rational solution that could be given for this most unstatesmanlike desire to push forward this measure when all others were laid aside. There were many gallant vessels of legal reform and other matters which the Government might have richly freighted; but they had passed them by, and had placed all their legislative treasure on board this

"——— fatal and ill-omened bark,
Rigged in th' eclipse and fraught with airs dark."

His right hon. Friend the Member for the University of Oxford had well pointed out, on a former occasion, that, while antenuptial incontinence was the great social blot of our population, at least after marriage chastity was very generally observed. If, however, this Bill passed, we might lose even that advantage, and licentiousness overspread the relations of married life. The way in which the evil spirit would eat into the minds of the people, and our hitherto established mode of viewing things would be gradually warped and distorted, was not a lesson that we should learn this year or the year after; but some years hence we should perceive the mischief that had been wrought, when the opinion had become prevalent through the towns and villages of the land, that the solemn vow made before the altar of the Most High—when Christian men and women took each other for better, for worse, for richer, for poorer, in sickness and in health, till death did them part—meant only that they took each other until they tired of one another's society, till one or other of them seduced or was seduced, and till the magistrate wrote for them the bill of divorcement. When that time should come, that which Parliament was now pressed to do would have its meaning; the tale would be told, the mystery would be solved, and it might be that the future historian of the decline and fall of the British Empire would trace the first dawning of our decadence to the insidious weakening of those moral ties which had hitherto preserved us earnest in our work, and determined in what we undertook to do. The epitaph of England would be—

"Fœcunda culpæ sæcula nuptias
"Primùm inquinavere, et genus, et domos.
"Hoc fonte derivata clades
"In patriam populumque fluxit."

Mr. WINGFIELD said, he had been asked by a large body of the clergy of the Established Church to put this question, whether a clergyman, knowing a person had been divorced for adultery, could refuse to marry that person; or, in other words, could he, having refused, be compelled to celebrate such a marriage? He believed that there had been no direct decision on the point, although he had been told that eight years ago a case occurred where it might have been decided; but in consequence of some arrangement between the parties, or other cause, the matter went off, and from that day to the present the question had never been settled. That being so, there was some ground for calling attention to the subject in this House, and asking for information with respect to it. There was another point also to which he had been desired to refer. When persons presented themselves before the surrogate, or applied to have the banns put up, the woman was asked, "Are you a spinster or widow?" the man, "Are you a bachelor or widower?" Now, if these were the only terms in which persons could be described when married either by banns or licence, how were those who had been divorced to be styled? The difficulty did not stop there. One of the rules of the marriage service contained in the Prayer-book was to this effect:—

"At which day of marriage, if any man do allege and declare any impediment why they may not be coupled together in matrimony by God's law, or the laws of this realm; and will be bound, and sufficient sureties with him, to the parties; or else put in a caution (to the full value of such charges as the persons to be married do thereby sustain) to prove his allegation; then the solemnization must be deferred until such time as the truth be tried."

Now our Prayer-book was, he believed, established by statute, and, as would be seen, it authorised a clergyman to use his discretion on this subject, both with regard to God's law and to human law. He mentioned these facts to show the difficulties which existed in the minds of the clergy, and should be glad if the Attorney General would make the matter clear, and take the proper means of putting the clergy in a right position. At all events, he trusted the clause would be made so restrictive that only the complaining party should be allowed to marry again.

Mr. COLLINS said, that a measure more repugnant to the general feeling of the country, more distasteful to the masses of the community, had hardly ever been laid upon the table of that House. He must protest not only against the principle on which it was based, but also against the want of principle it exhibited. He would not enter into the Scriptural argument, but he thought that whatever warrant there might be in St. Matthew for putting away a wife, no encouragement was held out to the remarriage of the parties. The passage "Whosoever marrieth her that is put away committeth adultery" was amply sufficient to show that the marriage bond was still considered in force. If any doubt existed on this point he thought it ought to be entirely removed by the fact that in the early and pure days of the Church marriage was held to be indissoluble, and he thought they ought not to disregard that authority in favour of a doubtful interpretation of a single text. There had been an attempt to throw dust in the eyes of the country by representing this as a Popish and a Protestant question. In support of the Bill, too, reference had been made to the *Reformatio Legum* and the opinion of Cranmer. Now, when the *Reformatio Legum* was appealed to, it should be remembered that that authority sanctioned separation *a vinculo* not merely for adultery but for deadly enmity, desertion, and many other causes, and, therefore, if they adopted the authority of the *Reformatio Legum* they must be prepared to go much further than it was proposed even by the present Bill. Again, it was hardly to be wondered that that great man Cranmer, living in times of such excitement and confusion, should be led into the belief that marriage was dissoluble. Cranmer, however, he felt convinced, would not support a Bill of this sort; the *Reformatio Legum* never sanctioned inequality between the two sexes, and he (Mr. Collins) protested now against the setting up of such an inequality. The law of the land, said the right hon. Gentleman opposite (Mr. Baines), had been stated by Lord Chief Justice Campbell to be in favour of divorce. But what said Lord Wensleydale, an equal authority on that subject? He said he had heard the speech of his noble and learned Friend with great surprise, and that there was not another lawyer in the House nor in the whole profession who would assert that by the common law marriage was dissoluble. But they were told that the practice of *privilegia* had made that normal which previously had been exceptional legislation. That wretched practice first started in the time of a profligate monarch and court. He should like to know whether if an attempt had been made in that monarch's reign to dissolve a marriage between John Jones and Jane Smith, instead of titled persons, it would have been successful. The House had been told by the hon. and learned Attorney General that the very fact of adultery struck at the root of marriage, and at once created a dissolution thereof. If that were the case, upon what principle were they to deny to the woman the right of divorce against an adulterous husband? If the Attorney General had laid down a correct principle it must follow that wives who continued to live with husbands who had committed adultery must be regarded as living in a state of concubinage. If the objects of matrimony were entirely defeated by adultery, were they not also defeated by any other cause, such as perpetual banishment, desertion, refusal of any intercourse of any kind? It was impossible to stop at the point to which the Bill would carry them. As the Ecclesiastical law stood at present there was perfect equality between the husband and wife. The wife was as much entitled to divorce as the husband. Now, however, for the first time, it was sought to create a distinction between them. He should like to know whether that distinction originated in a fear that the other sex would take advantage of the equal powers given to the woman by the Ecclesiastical Court. But that other sex was patient and long-suffering. The hon. and learned Attorney General, in effect, wished the House to declare that adultery was the unpardonable sin, and that on no account whatever was a woman, through repentance, to be restored to the position she had lost. The clergy of the land were ready to administer the marriage rites as the Church and Realm had received the same, and at present the Church and the Realm were at unison upon the subject of marriage. It was very true that there were a few exceptional cases in which Acts of Parliament had been passed for a dissolution of marriage, but practically speaking, the clergy as a body had not been called upon to act in contravention of their ordination vows by solemnizing marriage between a divorced person and another party. If this Bill passed they would be compelled to give the sanction of a religious rite to what the clergy would regard as legalized bigamy. But no Act of Parliament could separate a man and his wife. The boasted omnipotence of Parliament was not able to destroy the law of God, or to declare authoritatively what was and what was not consonant with the word of God. The idea that Parliament had any such power could hardly enter into the head of any sane person. God be thanked, few clergymen, he believed, would obey that part of the Bill which enacted that divorced parties might call upon them to celebrate the marriage rite. He believed that almost the whole of the clergy would resolutely refuse to obey that call, even at the risk of being deprived of that livelihood which they had not obtained until after they had expended much time and money in fitting themselves for their calling. He had no doubt that the harsh enactment which the hon. and learned Attorney General had asked the House to sanction with regard to the clergy would hasten the arrival of that day when the Church would be separated from the State. That was an event which he had no doubt no occupant of the Treasury bench wished to see happen in his day, and he therefore hoped that the Government would consent to alter that part of the Bill in Committee. In fact, he hoped the House would hear no more of it. There was no ground for saying that the object of this Bill was to extend to the poor a boon which had hitherto been confined to the rich. To obtain a divorce at present cost £2,000, whereas this Bill would reduce the cost to £300; but how could the man who earned his bread by the sweat of his brow, and received about 15*s.* or 20*s.* a week for his toil, think of having recourse to a central Divorce Court in London, the process of which would cost him £300? The truth was, that if this Bill were carried, divorce cases would have to be sent not only before the County Court Judges, but three justices of the peace, as had been suggested by the hon. Member for Maidstone (Mr. B. Hope). Until that was done nine-tenths of the community would be deprived of the so-called boon of divorce. Not only the present generation, but much more so future generations, would be corrupted by the abandonment of the inviolability of the marriage bond, which had been part of the law of this country from the earlier times. He thought that so important a Bill ought not to be pressed forward at so late a period of the Session, especially as it had taken most people out of doors by surprise. If the Bill were not postponed he hoped that, at all events, such Amendments would be introduced in Committee as would neutralize many of its evil enactments.

MR. BUTT said, that he could not help thinking that a great many of the objections to the Bill had better be reserved until it had gone into Committee. Having voted for the second reading, by which he approved its principle, he was anxious to explain the grounds on which he gave that vote. He did not understand that it was a part of that principle that the consciences of the clergy were to be forced. He should be ready to assent to any Amendment in Committee to prevent the conscientious scruples of the clergy from being overruled in this matter. In voting for the second reading he did not affirm the principle that the guilty party should be allowed to marry again. He thought that also was a question which might be very fairly discussed in Committee. He did not admit that this Bill would, as the hon. Member for Maidstone (Mr. B. Hope) had alleged, overrule their legislation for the previous 1,200 years. It happened, singularly enough, that there was a legislative declaration in our statute book to the effect that in the opinion of the Reformers marriage ought to be dissolved for adultery. The very point as to remarriage arose before the very Parliament of Edward VI., which by establishing the Reformation had established our liberties, in the case of the Marquess of Northampton, who, having obtained a divorce from his Lady from the Ecclesiastical Court, acted upon that decision of the Court as if it entitled him to marry again. A Commission was issued to great divines, of whom Cranmer was one, to inquire whether that was according to the law of God. That Commission reported to the King that divorce for the cause of adultery, according to the law of God and to the law of England, entitled the husband to marry again. This was affirmed by an Act of Parliament passed expressly for the purpose. True it was repealed again in the reign of Mary; but were they to abandon what was done in the days of Edward VI., and to revert to the reign of Mary for the principles of the Reformation and the principles of English law? Hon. Gentlemen spoke of a "miserable" system of *privilegia*, and of private Acts having "crept in" by imperceptible degrees; but it should be remembered that every Session the House appointed a Committee expressly to entertain these Divorce Bills. Moreover a public Act was passed in the year 1820 to facilitate proceedings in Divorce Bills. The preamble of that statute referred to certain inconveniences caused to Her Majesty's subjects residing in India who petitioned for a dissolution of marriage by reason of acts of adultery committed in India; and the provisions of the measure declared that evidence taken before the Judges in India should be admissible in this country for the purposes of a divorce. Nor was that all. It was further enacted that the proceedings incident to a Divorce Bill should not be suspended by the prorogation, or even by the dissolution of Parliament. The plain meaning of all this was that in passing these Bills Parliament was discharging a judicial function, and that in cases of adultery divorce was a remedy which every subject of Her Majesty was entitled to claim. The present measure would therefore introduce no new principle, but would merely transfer to a more convenient tribunal a mode of redress which the law of the constitution now made it imperative on the High Court of Parliament to grant. It was said that this Bill would sap the foundations of morality and desecrate the sanctity of marriage. Was the doctrine of the indissolubility of marriage, then, practically found to be conducive to sound morality? The best answer to that question was supplied by comparing the state of society in Italy or in Spain, and in Scotland. Marriage was indissoluble in the former countries, dissoluble in the latter, and he would appeal to the House whether they would not prefer the morality of Scotland to that of Spain or Italy. Surely nothing could be a greater profanation of marriage than to compel a man to continue to be the husband of a woman who had committed the sin of adultery. For these reasons he would again support the principle of this measure.

MR. GLADSTONE: Sir, I do not now propose to enter into a general discussion of this question, because not only am I mindful of the kindness and indulgence with which the House heard me upon it at great length, but I also frankly own that I regard the decision come to by a large majority of this House to proceed with this Bill, the consideration of which commenced on the 24th of July, as being entirely fatal to the adequate and thorough discussion of so vast a subject. Yet, differing from and lamenting that decision as I do, it is my duty to defer to it; and, therefore, I will avoid the general subject. My object, however, in rising is twofold. It is demanded by my respect for the House that I should both offer to it a personal explanation and support my own accuracy on a point of history where it has been impugned. The personal explanation relates to the statements which proceeded from my right hon. Friend the Secretary of State for the Home Department and from my hon. and learned Friend the Attorney General. My right hon. Friend correctly informed the House that I was responsible in the year 1854 for the introduction of a Bill into Parliament which provided for the dissolution of marriage in a manner corresponding with the provisions of the present measure. My hon. and learned Friend went beyond this. He stated that I had been a party to the consideration of the clauses of that Bill in conjunction with himself. Now, these are two very distinct allegations. With respect to the first of them I plead guilty. It was a part, and an important part, of my case against this measure that this was a matter which few of us had had an opportunity of studying or of coming to a proper understanding upon. I plead guilty to having been a consenting party in the year 1854 to the introduction of a Bill of which I knew thus much, that it involved the principle of the dissolution of marriage for adultery. But I told the House myself that it was but recently—that it was only during the present year—that I had been able to make the investigations which led me to form the opinion which I expressed a few nights ago. And it was perfectly impossible for me, loaded with the duties of a department, which at all times tasked my feeble powers to the utmost, to institute any such examination of this subject as its nature demanded. And I am bound to say this, that the consequence of the condition I was in then—I might also say of the condition which my hon. and learned Friend is in now, was, that if we had the benefit of an interval of freedom during which we could for some months or weeks apply our minds to the study of the history, the theology, and the philosophy of this question, and then return to the discussion of it, our dissertation upon the subject would be infinitely more profitable. As regards the year 1854, then, I acknowledge that I must submit myself to correction for the inconsistency between my opinion then and the opinion I have professed during the present year. But I must say that, in consenting to the bringing in of a Bill for divorce in 1854, I should not then have been prepared to give my assent to any clauses involving a compulsory interference with the religious and ecclesiastical law of the country. And now I come to the assertion of my hon. and learned Friend the Attorney General. I hope I mistook him, but I certainly understood him to state that he and I had together considered the clauses of that Bill. [The ATTORNEY GENERAL was here understood, in explanation, to say that a conversation had passed between him and the right hon. Member for the University of Oxford on the subject of the measure of 1854, and that the right hon. Gentleman had subsequently made it a matter of complaint in the House that the Bill had not been more vigorously prosecuted.] I am glad that I mistook the statement of my hon. and learned Friend on this point. When he speaks of a conversation having taken place between us, no doubt something passed between him and me as to such a measure being brought in. But my hon. and learned Friend represented it as being my Bill, which I say was a most unjust and unfair description. [The ATTORNEY GENERAL.—No!] Pardon me; I have a distinct recollection on the point. But I am glad that my hon. and learned Friend repents. My Bill it certainly was not. I was a party to recognize the principle of a dissolution of marriage for adultery, but of the specific provisions of the measure I knew nothing. My hon. and learned

Friend says that I afterwards complained of these measures not having been vigorously prosecuted. I will not detain the House by referring to matters contained in the records of our debates, but I think he entirely misunderstood the effect of what I stated on that occasion. Everybody, however, may judge for himself on that point. But there is a subject of much greater moment on which he has impugned my accuracy, and with respect to which I must take the liberty of vindicating myself. In the discussion of to-night we have been again brought back to the period of the Reformation, and it is impossible to overstate the importance of this part of the question. It has been found to be almost vitally essential to the case of the advocates of this Bill to connect the introduction of the principle of divorce with the Reformation of religion, and the hon. and learned Gentleman below me (Mr. Butt) says, with perfect truth, that an Act was brought in, in the reign of Edward VI., to give effect to the sentence of an Ecclesiastical Court, and to render it equivalent to a sentence of dissolution by validating a second marriage. The immediate answer to that is that the legal force of this statute was entirely extinguished by its subsequent repeal. "Yes," says the hon. and learned Gentleman, "but who repealed it? It was repealed in the reign of Queen Mary." No doubt that is a way of putting the case which naturally elicits a cheer. But the real point at issue is, "Why was not this Act re-enacted in the reign of Elizabeth?" Of course it was repealed under Queen Mary. Every one of the Acts of Edward VI. relating to religion were repealed under Queen Mary. But such of those Acts as were adopted by the English Government and by the English Reformers were revived by Queen Elizabeth. But that Act remained repealed, and is a repealed Act to this day; and therefore the non-revival of it, when that is taken with the revival of other Acts, is a clear declaration of the opinion of the Legislature with respect to it. I come now to the point of law under Queen Elizabeth, because my hon. and learned Friend the Attorney General, following the steps of the Commissioners of 1853, was bold to assert or assume that during the reign of Elizabeth divorce *a vinculo* was the law of England, and that it was only at a later period, namely towards the close of that reign, that the principle which has been since the principle of the Ecclesiastical Courts began to be introduced. I ventured to adduce the testimony of a gentleman named Clarke on this subject, from a work published by him in 1596. He was the senior proctor of Doctors' Commons, he had practised for thirty-six years, and he says that during the whole of his practice there had been no divorce *a vinculo* whatever, and that, on the contrary, all the divorces in his time were simply *a mensâ et thoro*. How does my hon. and learned Friend the Attorney General meet this statement, which is so entirely fatal to his doctrine, because, if that is no evidence as to the law, I submit there is no evidence in the world? My hon. and learned Friend the Attorney General says this was an obscure fellow, a Popish fellow, and not an Englishman, but an Irish alien practising in the Court of Arches in Dublin. Let the House see with what wealth of resource and with what accuracy of information we are invited to legislate on this question. He was an obscure fellow, a Popish fellow, not an Englishman, and he practised in the Court of Arches in Dublin. As to his being a Popish fellow—

The ATTORNEY GENERAL was understood to say that he hoped his right hon. Friend's law was better than his memory. His right hon. Friend's enthusiasm must have led him away, for he (the Attorney General,) had not used the term "fellow."

Mr. GLADSTONE: I give up the "fellow" then. He was obscure, a Papist, and he practised in the Court of Arches in Ireland. Throwing the "fellow" overboard, for I will willingly make a sacrifice of that, let us try these three allegations. As to his being a Papist, no Popish recusant could practise either now or then in an Ecclesiastical Court; as to his practising in the Court of Arches in Dublin, there is no such Court as the Court of Arches in Dublin; and as to his obscurity, it so happens that he is one of the three daily guides of practice in Doctors' Commons. There are three eminent writers of text-books there; their names are Oughton, Godolphin, and Clarke; the work of Clarke is that from which I quoted; he practised in the court for thirty-six years, namely, from 1560 to 1596, and he declares that the regular practice of the Ecclesiastical Courts was to bind the parties not to remarry, and that they never granted divorce *a vinculo*. That is the case so far as regards connecting the principle of divorce with the time of the Reformation. I won't now go into the question at large. Questions, however, have been raised with regard to the state of the law, and so attractive is this subject that my right hon. Friend the Chancellor of the Duchy of Lancaster could not resist adverting to it. He got up to deprecate debate, but he proceeded to make an assertion which appears to lie at the foundation of the whole of our debates,—namely, the assertion that this Bill introduced no novelty into the law of England, and this he sought to establish by quoting the opinion of Lord Campbell. This was answered by an hon. Member who quoted the opinion of Lord Wensleydale. I will answer the quotation from Lord Campbell by quoting Lord Campbell himself; and if any hon. Member who listened with admiration to the *dictum* of that learned Judge, as it was read by my right hon. Friend, will turn to the Report of the Commissioners of 1853, he will there find a diametrically opposite principle asserted—namely, that by the law of England, properly so called, there is no such thing as the dissolubility of marriage, and he will find that Report signed by the venerated name of Lord Campbell.

Mr. POWELL said, he wished to briefly point out what he thought an omission in the explanation given by the Attorney General when he introduced the measure, in not mentioning the mode of procedure in the new court, and the parties competent to give evidence.

Question, "That the words proposed to be left out stand part of the Question," put and *agreed to*:—Main Question put, and *agreed to.*

House in Committee.

Preamble *postponed.*

Clause 1, (the first of January next the date at which the Bill shall come into operation) and Clause 2 (terminating the jurisdiction in matters matrimonial now vested in Ecclesiastical Courts,) *agreed to.*

Clause 3 (Court may enforce prior Decrees or Orders).

Mr. GLADSTONE said, he must take exception to the designation of the proposed Court, and should therefore move that it be called the Court of Suits Matrimonial, instead of the Court of Marriage and Divorce.

Amendment proposed to leave out the words "Marriage and Divorce" in order to insert the words "Suits Matrimonial."

The ATTORNEY GENERAL defended the designation of the Court given in the clause, as being properly derived from the great subjects of marriage and divorce that would be brought under its consideration.

Mr. BERESFORD HOPE supported the Amendment of Mr. Gladstone, contending that the subject both of marriage and divorce came under the designation of "suits matrimonial."

Mr. GLADSTONE said, the proposed Court had nothing to do with marriage; it was simply a Court of Divorce, and he objected to its being called a Court of Marriage.

Question, That the words "Marriage and Divorce" stand part of the clause, put and *agreed to.* Clause *agreed to.*

Clause 4, (Pending suits shall be transferred to the new Court,) and Clause 5 (Gives power to the Judges whose jurisdiction is determined to deliver written judgments,) *agreed to.*

Clause 6 (Jurisdiction over causes matrimonial shall be exercised by a Court to be called "the Court of Marriage and Divorce").

Lord JOHN MANNERS said, the same question again arose on the clause, and with great respect for the Attorney General, he thought the suggestion of the right hon. Gentleman (Mr. Gladstone), to give a more fitting name to the court, was worthy of consideration. They should recollect that the title of the court would be settled by this clause.

Mr. DRUMMOND said, it was very ridiculous to call a court "a Court of Marriage," which had nothing whatever to do with marriage except putting an end to it. However, he acquitted the Attorney General of the fatherhood of the title; somebody else had found it out and sworn the child on him.

Mr. WARREN said, he would move the substitution of the words "for matrimonial causes and divorce," in the place of the words, "of marriage and divorce." The Amendment would meet the view of the right hon. Gentleman (Mr. Gladstone), and more exactly indicate the nature of the jurisdiction.

Mr. BOWYER said, that if this were a court to which persons could resort for the purpose of getting married it might be properly called a Court of Marriage, but it was not a court where people were married, and the proper technical term was "a Court of Matrimonial Causes."

The ATTORNEY GENERAL said, it

was perfectly immaterial which was the denomination of the court. It was desirable that a short name should be given to it, and a long name would be very inconvenient. Might they not, out of respect to the other House, leave the title of the court unaltered? The Committee had already passed clauses giving it that denomination.

Mr. WARREN said, the former clauses were clauses of reference, but this was a direct and specific enactment. He should take the sense of the Committee on his Amendment.

Mr. HENLEY said, the Bill was entitled "An Act to Amend the Law relating to Divorce and Matrimonial Causes," and the name of the Bill should follow the title. The only exception in the transfer of causes, suits, and matters matrimonial to the new court was "licences of marriage." The Bill was to get rid of marriage, and everything constituting marriage was kept out of it. He could not understand why the Attorney General should object to bring the title of the court into harmony with the title of the Bill if, as he said, it was perfectly immaterial.

The ATTORNEY GENERAL said, that if it would restore good humour he would let the title be "A Court of Divorce and Matrimonial Causes." The hon. and learned Member for Midhurst (Mr. Warren), would have the satisfaction of thinking that he had contributed to the improvement of the Bill.

Mr. GLADSTONE said, that was very hard upon him, who had originated the alteration, but he had been ruthlessly overridden by the hon. and learned Gentleman until he was supported by other hon. Members.

Mr. WARREN withdrew his Amendment, and suggested that the references to the court in the third and fourth clauses should be altered hereafter, so as to make them consistent with the new title.

The ATTORNEY GENERAL assented.

The words "of marriage and" were *negatived*, and the words "and matrimonial causes" were inserted after the word "divorce."

Upon Question "That the clause, as amended, stand part of the Bill,"

Mr. BUTT said, he should be disposed to move the omission of the proviso that no suit should be maintained for jactitation of marriage unless the hon. and learned Attorney General could give some reason for it.

The ATTORNEY GENERAL said, he could give no better reason than that no case of the kind had occurred for 150 years. He spoke of 150 years because he spoke under great alarm of Francis Clarke.

Mr. BUTT said, he was not a century and a half old, but he knew an instance in which a suit for jactitation of marriage was instituted in Ireland. A gentleman thought that his wife had been married before she was married to him, and, as it would have been unsafe to marry a second time on the ground that his former marriage was not valid, he applied to the Ecclesiastical Courts for a judicial declarationof the nullity of that marriage.

Amendment proposed,

> To leave out the words "Provided always that no suit shall be entertained for Jactitation of Marriage."

The ATTORNEY GENERAL did not clearly understand the case mentioned by the hon. and learned Member, but it appeared to him to be a peculiarly Irish mode of wooing for an intended husband to institute a suit for jactitation of marriage against the lady whom he was about to make his wife. He believed that the case supposed by the hon. and learned Member would be found to be provided for by a subsequent clause, which would enable the husband to present a petition praying for a declaration that a valid marriage had not been celebrated.

Mr. BUTT said, that the interpretation which the hon. and learned Attorney General had put upon his statement of an Irish suit for jactitation of marriage was a peculiar instance of the oddness of English comprehension. The suit in question was instituted, not against the lady whom the gentleman was about to marry, but against the woman who claimed to be his wife by a previous marriage. He wished the hon. and learned Attorney General to point out the clause which provided a remedy for such cases.

Mr. WARREN remarked that the Bill applied only to England.

Mr. GLADSTONE: The supposition raised was, that in some other part of the Bill, as yet undiscovered, there was a provision which would enable the Court to entertain a suit for jactitation of marriage, and upon that supposition they were now asked to leave in the 6th clause, a provision forbidding the Court from entertaining such a suit. Granting that there was a clause which permitted the Court to entertain the suit, in what a strange condition would the Court find itself, when in one clause the suit was inferentially permitted and in another forbidden.

The ATTORNEY GENERAL admitted that he had misapprehended the hon. and learned Member for Youghal (Mr. Butt), who, however, might have contrived to express himself with more lucidity. The objection to the suit for jactitation of marriage was that it was an oppressive and objectionable proceeding, but by the 16th clause of the Bill the new Court was empowered to make a declaration of the nullity of a marriage, or, in other words, to pronounce the very decree obtained at present by a suit for jactitation of marriage.

Mr. WIGRAM observed, that he did not think that a declaration of the nullity of a marriage and a suit for jactitation of marriage were precisely one and the same thing. There could be no doubt that the former was retained, even by the 6th clause, but the latter was a different sort of action altogether. A man gave out that he was married to a certain woman. Now, a suit for jactitation of marriage was a proceeding in the Ecclesiastical Courts by which, in such a case, the woman could obtain an injunction restraining the man from any longer pretending to be her husband. Lord Stowell stated that such an action ought to exist in every system of jurisprudence. If the present procedure was oppressive and inconvenient the best course would be to strike out the words prohibiting the suit, but at the same time insert others empowering the Court to abrogate what was objectionable and retain what was unobjectionable in the method of proceeding.

Sir ERSKINE PERRY said, there was another reason why the suit for jactitation of marriage should be continued. It often happened that a woman who was not married boasted or jactitated that she was the wife of a certain man, although she merely lived with him as his mistress. Such a line of conduct might involve serious injury to the lawful wife, for which she ought to have redress. That redress she could now obtain by means of a suit for jactitation of marriage, and he thought it would be wrong to deprive her of it.

The ATTORNEY GENERAL said, he would consent to the omission of the proviso, in the hope that something might be done to mitigate the mischief arising from the suit for jactitation of marriage.

Amendment *agreed to.* Words expunged.

Mr. LYGON said, he wished to know how the clause would affect persons residing in India.

The ATTORNEY GENERAL said, that any marriages solemnized between British subjects and under British laws, whether in India or in this country, would be dissoluble by the authority of the Court.

Mr. WALPOLE said, that having served as Chairman of the Divorce Committee, his recollection was, that whenever a person asked for a divorce for adultery committed in India, proceedings first took place in the Indian Courts, and then application was made to Parliament upon faith of those proceedings. Under the clause as framed he was not sure that the objection which had been raised was not deserving of consideration; for the clause in its present shape was applicable solely to the jurisdiction vested in the Ecclesiastical Court in England.

Mr. AYRTON said, the clause would give only the same jurisdiction which now existed. The Court to be established would have no jurisdiction over persons not domiciled in England.

Sir FITZROY KELLY remarked, that the clause did not relate to those proceedings which had hitherto been carried on by means of the Act of Parliament to which his right hon. Friend referred. The object of the clause was merely to transfer to the new Court the jurisdiction which was now exercised by the various Ecclesiastical Courts in causes matrimonial: and there was no doubt that that jurisdiction did extend to the dissolution of marriages solemnized in India, or other British possessions throughout the world, provided the parties happened to be English subjects resident in England.

Mr. AYRTON said, the jurisdiction depended upon where the defendant was domiciled, and not upon where the marriage was solemnized.

Mr. GLADSTONE observed, that he did not see what provision was made to meet a class of cases now provided for by Acts of Parliament. Where adultery was committed in India, and the parties never became domiciled in England, at present actions were not commenced here; but, after a preliminary course of proceeding in India, application was made to Parliament for a dissolution of the marriage. He wished to know whether the clause was adapted to meet such cases?

THE ATTORNEY GENERAL replied, that in cases where there had been adultery or cruelty in India, and the party afterwards came to England, the Ecclesiastical Court could entertain a suit. What the Court could now do it was intended the new Court should have power to do. When parties resided in India the ordinary tribunals of that country having Ecclesiastical jurisdiction were able to deal with such matters.

SIR ERSKINE PERRY said, he saw this difficulty under the Bill. The Courts in India were empowered to pronounce divorces *a mensâ et thoro*, and that power they would still retain if this Bill were passed. Now, when such a sentence had been pronounced in India, the next step was to come to England for a Bill of divorce from Parliament. He could not see under this Bill how parties were to act in future, inasmuch as they could not in such cases come to this Court, as it would not have the jurisdiction over the cause *ab initio*.

MR. BUTT reminded the Committee that the clause did not deal with divorces at all. It merely applied to divorces *a mensâ et thoro*, which were termed in the Bill judicial separations. It only gave the new Court the same powers as were now possessed by the Ecclesiastical Court at present.

MR. AYRTON said, they were now considering what was to be the extent of the jurisdiction of the new Court. That jurisdiction, as he understood it, would attach only to persons who were domiciled in this country. If they were domiciled in India the suit would be carried on in the Ecclesiastical Court in India, and upon sentence being pronounced, notwithstanding the passing of this Bill, the parties could apply for a Bill of divorce to the House of Lords.

MR. GLADSTONE remarked that he thought the announcement of the hon. and learned Gentleman was so important as to require explanation from the Attorney General. Was it true that after this Bill had been passed there were still to remain the difficulties and anomalies of the Parliamentary system of divorce? If the hon. Gentleman (Mr. Ayrton) was right in his construction of the clause the promoters of the Bill must have been misled in framing it.

THE ATTORNEY GENERAL observed that he could only say that if the adultery was committed in India the case would be tried before an Indian tribunal, but if the parties came to this country a petition might be presented to the Court here, which would have power to appoint a commission to take evidence in India, in order to adjudication upon the case.

MR. GLADSTONE said, he perfectly understood the point, so far as regarded parties domiciled in this country, but he wanted to know what provision was made for parties who committed adultery in India and remained domiciled there. If the hon. and learned Gentleman near him (Mr. Ayrton) was correct, divorce *a vinculo* would still in such cases have to be obtained by Act of Parliament.

SIR FITZROY KELLY said, the present clause referred only to divorce *a mensâ et thoro*. The dissolution of marriage was another question, and was dealt with in a subsequent clause.

MR. WARREN said, he wished to ask whether the jurisdiction at present vested in the Ecclesiastical Court in the Isle of Man was to be transferred to the new Court or not. The 55th clause gave power to the Secretary of State to order the transference of all records, &c., belonging to any Ecclesiastical Court in England or the Isle of Man to such place as he might appoint, but the sixth section contained no reference to the Isle of Man.

MR. COX hoped the House would be clearly informed in what way a divorce *a vinculo* was to be obtained in the case of adultery committed in India.

THE ATTORNEY GENERAL said, in the case of adultery committed in India separation could be obtained in the courts there; but if the parties remained in India they could not have recourse to the jurisdiction of the new Court for divorce *a vinculo*. The jurisdiction of the new Court did not extend to the Colonies or to the Isle of Man. How the Isle of Man got into the Bill he was unable to say. They were now legislating for England only,—not for Ireland, or Scotland, or for the Colonies,—though no doubt this Bill would be followed by a similar Bill for Ireland and also one for India. The jurisdiction of the new Court, however, could be exercised whenever it happened that one of the parties lived within that jurisdiction.

MR. GLADSTONE said, that he understood now, from what had fallen from the Attorney General, that a new Act, and not another clause only, would be required for India.

MR. HENLEY said, they had been told that this was the poor man's Bill, but it appeared that the poor of Ireland were not to receive any of its advantages for some time to come. There were to be new Bills for Ireland, for Scotland, and for the Colonics; but if the measure was so beneficial as had been represented it would have been better to include them all in one Bill.

THE SOLICITOR GENERAL said, he thought the Committee were pursuing an inconvenient course in discussing a matter which the clause immediately under consideration had nothing to do with. The clause before them had no reference to the dissolution of marriage, it merely transferred the jurisdiction of the Ecclesiastical Court to the new Court, and that jurisdiction did not include the dissolution of marriage. That was a question which would be more regularly discussed when they came to a future clause of the Bill.

MR. HENLEY observed, that he thought the discussion that had taken place arose naturally on the present clause. The future clauses of the Bill would only regulate the jurisdiction of the Court in the particular points to which they referred.

MR. NAPIER said, this clause embraced the entire jurisdiction of the new Court.

SIR ERSKINE PERRY remarked that some provision ought to be inserted in the Bill, expressly declaring in what manner parties residing in India should obtain a dissolution of marriage. If the Committee were of opinion that the Indian Court which now pronounced sentences of divorce *a mensâ et thoro* should have power to dissolve marriages, words to that effect ought to be inserted in the clause; but if it should be unwilling to allow that power to a single Judge in India—and the Bill proceeded on the principle that one Judge in England should not have that power—but should think that that power ought to be reserved to the Court here, it would be expedient to add a clause to the Bill giving the Court that jurisdiction.

THE ATTORNEY GENERAL said, that if parties remained in India it could not be expected that they would come into this Court. Nothing could be more absurd than to say that there should be a Court in England for the decision of matrimonial causes between parties remaining in India, but if the parties in India had a cause of complaint, and would come to this country, or if one of them came, then the Court would take cognizance of the complaint even though the offence were committed out of its jurisdiction. If an Indian Court had pronounced a sentence of divorce *a mensâ et thoro*, and one of the parties came to this country, he would be able to prosecute his claim for a further remedy in this Court, but even now he could not get an Act of Parliament unless he came over here. A Standing Order of the House of Lords required his presence while the divorce was being prosecuted.

MR. LYGON said, that that Standing Order was sometimes suspended. He considered that some provision should be made for Indian cases.

MR. GLADSTONE thought that the House was greatly indebted to the hon. Gentleman opposite (Mr. Lygon) for having raised this point, and notwithstanding what had fallen from the hon. and learned Solicitor General, he was of opinion that this was the proper moment—when the clause respecting the jurisdiction of the new Court was under discussion—for raising it. It had led to a discovery which was entirely new to the House. When the Bill was first introduced it was stated that it was to put an end to the system of obtaining private Acts, but now it appeared very questionable whether it would have that effect. As the hon. Gentleman opposite had pointed out, the Standing Order of the House of Lords, which required the presence of the petitioner, was sometimes suspended. The question was whether the arm of the Court would reach as far as the arm of the Legislature now reached. He hoped the Government would give some clear information to the House on this point, and that if they should be of opinion that the Bill did not confer on the Court powers as extensive as those now possessed by Parliament they would introduce a clause to supply that defect.

MR. WALPOLE remarked that he quite agreed that if this Bill did not put an end to the system of obtaining divorces by legislation it would fail in its main object, and he was not quite sure that he should give his assent to it if it was defective to that extent. The Courts in India had already powers to divorce *a mensâ et thoro*, and the question now raised was how to deal with divorces *a vinculo* where parties resided in India. The difficulty with respect to parties in India was that the witnesses could not be brought over here;

but that might be got over by incorporating into the 44th clause, which related to the mode of taking evidence of witnesses abroad, the provisions of the 10 *Geo.* IV., c. 101, which was passed for the special purpose of enabling the examination of witnesses to be taken in India, in support of Bills of divorce, on account of adultery committed in India. By this means the new Court would have the same facilities as Parliament now possessed for substantiating cases of divorce *a vinculo.* As all the powers of the Ecclesiastical Courts were to be transferred to the new Court, so ought the powers of the House of Lords, so far as they related to those causes.

Mr. BUTT said, he was afraid that the suggestion of the right hon. Gentleman (Mr. Walpole) would not get over the difficulty. The question to be decided was what tribunal should exercise for the British dominions abroad the power of dissolving marriages which was now exercised by the Legislature. He had been under the impression that the 25th clause of this Bill was intended to give that power to the new Court—by the words, "it shall be lawful for any husband"—but it now appeared from the statement of the hon. and learned Attorney General that that was neither the effect nor the intention of the Bill. The new Court was to have all the powers of the Ecclesiastical Courts and of the Legislature in matrimonial suits and questions of dissolution of marriage, but the exercise of that power was restricted by the territorial jurisdiction conferred on the Court. It was most fortunate that this question had been raised, but he thought that it could be more properly discussed when they came to the 25th clause, in which he would himself move the insertion of words providing that for the purpose of the dissolution of marriage the jurisdiction of the Court should extend to India and the other British dominions.

LORD JOHN MANNERS said, he wished to ask whether it was intended by an Imperial Act to impose upon the Colonies having independent Legislatures not only a new Court for the settlement of these questions, but also the law according to which they were to be decided? Some Colonies might object to receive such legislation from the Imperial Parliament. Were private Bills still to come from the Colonies, or was there to be established in every colony by the Act and volition of the Imperial Legislature a Court competent to dissolve marriages? This was surely a question of the very greatest magnitude, and he for one would like to have some information on the point.

THE ATTORNEY GENERAL said, that it was impossible to provide by Act of Parliament that no more private Bills should be introduced for the purpose of dissolving marriages; that must be left to the Legislature. He conceived that any person residing in any British colony might come to this Court for a decree for the dissolution of marriage. It was a matter for subsequent consideration whether and in what manner the process of the Court should be served upon persons not in this country. Therefore, the question whether this Court would be open to the whole empire must be answered in the affirmative, but with this qualification, that the Bill did not abolish the Ecclesiastical jurisdiction at present exercised by the Courts in India. Persons, whether in India, Australia, or Canada, would be able to resort to this Court.

LORD JOHN MANNERS said, that the hon. and learned Gentleman had explained what would be the position of persons living in the Colonies who came over to this country, but his question had more reference to what would be the position of those who were unable to incur the necessary expense for so doing. He understood that the hon. and learned Gentleman felt this difficulty so much that he thought it would be necessary to introduce a separate Act for the Colonies, and he therefore concluded that it would be necessary to establish in each of those Colonies Courts which would do for their inhabitants that which this Bill would do for them if they came to England.

THE ATTORNEY GENERAL said, that as persons resident abroad might now, under certain regulations, sue in the Courts of Westminster Hall, so might a man, although resident in the most distant part of any of our Colonies, be a suitor in this Court of divorce. What he meant to say, when he spoke of a statute for the Colonies, was that where a colony had now got an Ecclesiastical jurisdiction, that jurisdiction would not be taken away by the operation of this Bill. Suppose the Legislature of any such colony, following the example of this Bill, passed an Act to establish a Court having power to pronounce sentences of divorce, the Crown would probably be advised to give its assent to such a measure. This might be done in Canada, or in Australia, or in India. If it were not, the result would be that the existing Ecclesiastical jurisdiction would remain, but nevertheless, instead of being compelled to come to the Imperial Legislature for a divorce, the party aggrieved might, wherever he happened to live, prosecute his suit in the Court to be established under this Bill.

MR. LYGON said, he thought that the hon. and learned Attorney General had not quite explained what would be the position of persons in India under this Bill. The Ecclesiastical Courts in England had no jurisdiction in India, and this clause seemed to limit the operations of this Bill to those who were within the jurisdiction of the English Courts. It would, therefore, appear that persons living in India could not obtain a divorce under this Bill without coming to England, in which case this could not be called a poor man's measure or one which would give to the middle classes facilities which had hitherto been enjoyed only by the rich.

MR. AYRTON remarked, that he wished to point out that as the Bill stood there was no power of impleading persons not resident in England, and that, therefore, persons resident in India or in any of the Colonies would be in the same position in which they were at present placed.

MR. GLADSTONE said, that it appeared to him that the discovery now made was a most important one, because it showed that the statement which had been made upon the introduction of the Bill was inaccurate in a most important point. The House had been told that the great object of the Bill was to put an end to the practice of legislative divorces in particular instances, and now the principle was asserted that the Bill would only apply to persons within the jurisdiction of the Court, that was, to persons resident in this country, so that when the offence had been committed in India, or in any of the colonies, the guilty person, not wishing to facilitate a divorce, would take care not to be resident in England, and the remedy to the aggrieved person would remain as it was at present—a matter of special legislative enactment. Before the Bill passed through Committee he hoped that the difficulty would be got rid of.

THE ATTORNEY GENERAL said, that if his right hon. Friend were conversant with the practice of Courts of Law he would be aware that those Courts had power to serve notices on British subjects abroad, and in certain cases, where notices had not been served in consequence of the impossibility of finding the party, to proceed to trial as if such notice had been duly served, and it was his intention to move a clause conferring a similar power upon this new Court.

MR. BUTT observed, that one of the clauses of the Bill, as it at present stood, conferred that power.

Clause, as amended, *agreed to;* as was also Clause 7 (substituting a Judicial Separation for a Decree of Divorce *a mensâ et thoro*).

Clause 8 (Judges of the Court).

MR. DRUMMOND said, that he had given notice of an Amendment, in the form of a proviso, on this clause, which perhaps might have properly been moved on Clause 9, but, as the matter was doubtful, he would move it then, in order to avoid the possibility of its being said to him, when Clause 9 was called on, that he was too late. The subject to which the Amendment referred was one upon which a great deal of boasting had been used by the promoters of the Bill. If there was one point more than another on which those hon. Gentlemen had loudly declaimed, and used more jactitation in short, it was that they said this is a poor man's Bill; they said this is a Bill to bring down the luxury of divorce to the cottage door; but how was that assertion borne out? The new Court would consist of the Lord Chancellor, the Lord Chief Justice of the Queen's Bench, the Lord Chief Justice of the Common Pleas, the Chief Baron of the Exchequer, and the Judge of the Court of Probate, and could any human being believe that that would be an inexpensive Court? It was said by some, why do you oppose this humane Bill which is intended for the benefit of the poor; you allow the peer or the millionnaire to have this luxury, why refuse it to the poor? To that he could only reply that, much as he objected to the principle of the Bill, it was at the same time the duty of its promoters to be honest in bringing it forward; and as the measure stood not one word of the plea of the promoters of it was true. It was not a Bill for the poor, and if the Bill were carried at all he would wish to see some facility for relief afforded to the poorer classes. In cases where either party was heir to a peerage, or where the property settled at the time of marriage consisted of charges on land, he should not care if they had a court of great men, who, as had been said of the Court of Chancery, would, "like a great boa constrictor swallow an estate whole, and digest it at leisure." Let them have their expensive court for such cases, but let the poor have redress in a cheaper way; for if there was any class that required relief at all it was the poorer class. He had known a case where a young woman in service had married a young man and they had taken a lodging-house, which, through the drunken habits of the husband, they were obliged to give up. The man then went to Australia and the wife returned to service, and when she had saved a little money the husband came back and claimed all of it. That was no uncommon case, and it was because he did not wish to see an Act passed into law which, under the pretence of being a poor man's Bill, was of advantage only to the rich, that he had placed the Amendment on the paper which stood in his name. He would therefore move to add to Clause 8 the following words:—

"And the said Court shall alone have jurisdiction in all cases where either of the parties to any suits before it is heir to an hereditary peerage, or where the property settled at the time of their marriage consisted of charges on land of the annual value of ——; but in all cases where there are no hereditary peerages in remainder, and where no realty has been settled on the marriage, and where the parties do not reside in London, the said Judge Ordinary shall authorize the Judge of the County Court in the district where the parties reside to try the case, and pronounce a decree for judicial separation."

THE CHAIRMAN said, he must remind the hon. Member for Surrey, that he had given notice for the Amendment on Clause 9.

MR. DRUMMOND admitted he had done so, but he was afraid it would be said he ought to have proposed it in Clause 8. He would, however, in accordance with the suggestion of the Chairman, withdraw his Amendment, with the view of submitting it to the notice of the Committee when Clause 9 was brought under discussion.

MR. MALINS said, that with respect to the clause immediately under the consideration of the Committee, he thought that it was impossible that the Lord Chancellor, the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Exchequer, who, in conjunction with the Judge of the Court of Probate, were to preside in the new Court, could devote the necessary time and attention to the business of that tribunal without serious detriment to the performance of those duties which in their respective Courts they at present discharged. He would therefore ask the hon. and learned Attorney General whether he could give the Committee any information on the subject.

THE ATTORNEY GENERAL said, he had felt the difficulty to which the hon. and learned Gentleman the Member for Wallingford (Mr. Malins) had referred, but that his apprehensions were not shared in by some of the highest legal authorities. As however he deemed that considerable inconvenience might, no doubt, be found to result from the operation of the clause as it stood, he should merely ask the Committee to pass it *pro formâ*, upon the understanding that at some future stage of the Bill it should be open to further consideration. So far as he individually was concerned, he was disposed to enlarge the number of those Judges from among whom the associates of the Judge Ordinary of the new tribunal might be selected, by comprising within that number all the Judges of the Superior Courts of Law and Equity.

MR. MALINS said, he was of opinion that the enlargement of the area of the Judges who might preside in the new Court would hardly be found to obviate the inconveniences which might be supposed to arise under the operation of the clause. In support of that opinion he might observe that an Act had been passed in 1852 empowering the Lord Chancellor, the Vice Chancellor, and the Master of the Rolls to call to their aid one or more of the Judges of the Courts of Common Law in case they should stand in need of such assistance; but, notwithstanding that these powers thus given by Act of Parliament were freely exercised, he believed there was scarcely an instance in which the attendance of even a single Common Law Judge could be obtained before the lapse of a month. In a case of great importance in which he himself had been engaged, the decision of the Vice Chancellor had been postponed from July to November, owing to that cause; and how much greater would be the difficulty of securing the attendance of two Common Law Judges he would leave it to the Committee to determine.

MR. HENLEY observed, that four-tenths of the business which would be brought before the new Court of Probate had hitherto been discharged in the country districts, and when that circumstance, as well as the fact that all appeals not only upon the question of the dissolution of the marriage tie, but with respect to matters of minor importance, were to be submitted to the full court, was taken into consideration, he thought it would be admitted that great inconvenience as well as expense to the suitors must be the result. He should, therefore, suggest the expediency of providing that the Judge Ordinary should at stated periods go on circuit throughout the country with the view of obviating that inconvenience and expense, or that the County Courts should have jurisdiction in matters such as these to which he had referred in accordance with the proposition of the hon. Member for Surrey (Mr. Drummond). He would, however, observe one very curious effect of his clause, namely, that though heirs to a peerage would have the advantage of the three learned Judges, peers themselves would be remitted to the County Court Judges. The clause, at all events, was one which demanded further discussion, and he thought it desirable that it should with that view be postponed.

Mr. NAPIER doubted if a similar Bill were brought in for Ireland whether the Roman Catholic Judges would, from conscientious motives, be able to administer the law under it.

Mr. WHITESIDE suggested that the Bill should be withdrawn for the present Session. It was clear that the hon. and learned Attorney General was not in agreement with certain other persons who had advised the Government in the preparation of this clause. The clause never could be carried out, because the Judges of the Common Law Courts would never be found at leisure to undertake the crop of divorces that were to pour into the new Court under the Act. For himself he could not see the necessity of having three Judges in the new Court. If the Lord Chancellor could sit alone and decide causes, why should the Judge of the new Court have two assistants to puzzle him? The construction of the Court under this clause was in fact a dead failure, and he protested against the House being kept by the noble Lord at the head of the Government until far in the month of August trying to amend such a Bill. The noble Lord was always good-humoured in the House of Commons, and was probably happier there than anywhere else. But, as we were at war with half the human race, he would recommend the noble Lord to endeavour to wind up those disputes, and leave this Bill to the meditations of the hon. and learned Attorney General during the recess. If the hon. and learned Gentleman trusted to his own abilities, of which he (Mr. Whiteside) had a high opinion, some measure might be produced during the recess which would not provoke his own censure upon his own Bill. He moved that the Chairman report progress.

Motion made and Question proposed, "That the Chairman do report progress and ask leave to sit again."

Mr. MALINS said, that during the discussion upon the Motion of his right hon. Friend (Mr. Henley) the other night, it was asserted that this Bill would take as much time for its discussion as any measure of the same length that ever occupied the attention of Parliament. It was replied that the Bill was so well matured and so perfect that the Chairman would only have to read the marginal note and pass the clause. The House had now been in Committee three hours, and they had not got through the 8th clause, although four of the clauses were mere matters of form. The doubtful points of the Bill, and those which had aroused the feelings of the country were not yet approached, and would not be arrived at for two or three days more. He trusted that the noble Lord at the head of the Government would not force the House at this period of the Session to discuss a measure of so much importance. The noble Lord, no doubt, had a great deal to attend to, and it was not to be expected that he should attend much to the details of this Bill. He could therefore understand the good faith with which the noble Lord said he could not see why the House should not go on with the Bill. He must do the noble Lord the justice to say that he had one transcendent merit, and did not neglect his own business, but was always present when the Government Bills were before the House. But how long did the noble Lord intend to keep Parliament sitting? Would he have no compassion upon hon. Members? The noble Lord had complimented him upon his vigour of body and mind, but he could assure the noble Lord that he was utterly exhausted and worn down, and that other hon. Members were in even a worse state. Did the noble Lord intend to exhaust hon. Members this Session, and prevent them from coming back when Parliament again met? An hon. Member had discovered a blot in the 6th clause, and there was another blot in the 8th clause which would render the Bill unworkable. The measure ought at once to be withdrawn. It was introduced in the other House, prepared he knew not how, or by whom. It professed to be founded upon the Report of a Commission which came to the conclusions arrived at by the right hon. Gentleman the Member for Cambridge University. That right hon. Gentleman was a man of singular simplicity of mind, who never formed an opinion without great care, and did not like to part with it when he had formed it. From the specimen which the noble Lord had seen to-night, he must be convinced of the hopelessness of getting through the Bill this Session. The Attorney General had obtained the sanction of the House to the second reading by a large majority, and if he withdrew it he might apply his leisure during the recess to remove the imperfections with which the Bill now abounded.

Viscount PALMERSTON said, that hon. Gentlemen on the other side kept asking him when the Session was likely to be over. He would remind them, in reply, of the very sagacious exhortation of the late Mr. O'Connell to public meetings. Mr. O'Connell used to say, "Don't all call out for silence, for if you all call silence there never will be silence." In the same way, if hon. Members consumed a great part of the evening in asking when the Session would be over, there would be very little chance of the Session ever being over. The hon. and learned Member for Wallingford informed him it was quite hopeless that the Bill could pass through its various stages, and recommended him to withdraw it. Now, he was of rather a sanguine disposition, and was not at all accustomed to flounder in the Slough of Despond. He could therefore assure the hon. and learned Gentleman that he was not hopeless of passing the Bill, and that he should not become hopeless of passing it until the measure arrived at its last stage and the House affirmed by a large majority that it would not pass it at all. The Bill had occupied the serious attention of the whole Government, and if, as the hon. and learned Gentleman implied, he had not taken an active part in the discussion, it was because the measure had been in such able hands that it would have been presumption in any one not a member of the legal profession to attempt to furnish better arguments than those of his hon. and learned Friend the Attorney General. He really hoped that hon. Members would not be led away by the idea that the Government were likely to give up the Bill. He did not complain of the length of the discussion. It was natural that hon. Members should desire to express their opinions on the subject. The Government were not anxious to curtail improperly the discussion, but were ready to sit there as many nights or weeks as might be necessary to carry on the discussion. But when the hon. and learned Member made an appeal *ad misericordiam* on the ground that the House was exhausted by the length of its labours, he must be allowed to state that the Session in this Parliament had been very short, for it did not begin till about the middle of May. If the House had been sitting from November through the winter and summer up to the present time, it might be expected that some hon. Members, not so strong as the hon. and learned Gentleman, might think that they had done enough; but, considering how short a time had been consumed during the present Session, he did not believe that hon. Members would grudge a further attendance in order to consider maturely, as far as might be necessary, this and other measures of great importance still depending before the House.

Mr. GLADSTONE remarked, that he had listened with some amusement to his noble Friend's statement with regard to the shortness of the Session, seeing that three-fourths of the Members had been sitting in that House since the month of January, their attendance being interrupted only by the agreeable interlude of a general election, and that his noble Friend one or two nights ago, in reply to an appeal from the noble Lord the Member for London, maintained that the Session must be considered not from the time at which it begun but at that at which it would conclude. His noble Friend had had an affirmation of the principle of his Bill by a decisive majority, and no doubt the minority ought to bow to the fairly expressed will of the majority; and if his noble Friend chose to persevere with the measure they must struggle on at whatever personal inconvenience, and maturely discuss the provisions of the Bill. Still, it could not be maintained that the Bill was of a nature peculiarly urgent to be passed in the present Session. He would also remind his noble Friend that the same duty which bound the minority to comply with the declared opinion of the majority on the principle of the Bill did not absolve them from the obligation of watching, discussing, modifying, and altering the provisions of the measure. As an opponent of the Bill it might answer his purpose to retire from the Committee altogether, and depart into the country, allowing the Bill to pass with all its blemishes; but such a course he held to be contrary to his duty, and he conceived that it was incumbent on those who objected to the Bill to attend there night after night and week after week, to debate line by line and word by word, if necessary, the details of a Bill of such great importance. In what position did the House find itself that night? After a discussion carried on exclusively by hon. Gentlemen who had not hitherto had an opportunity of expressing their sentiments on the measure, the House went into Committee, and had passed seven clauses nominally only. The Committee had hardly passed any clause of importance. The 6th clause, it was true, had been passed, but in passing that, after an hour's discussion, it was found that there was a great gap in the Bill, and the hon. and learned Attorney General announced to the Committee that he would have important provisions to propose to supply that gap. The Committee had now come to the first of other important clauses, relating to the constitution of the Court, and the hon. and learned Attorney General, valuing his reputation as a legist beyond any temporary or momentary advantage, frankly confessed that he had been at issue with other great authorities on this vital point. Therefore, hon. Members were not to be kept sitting in that House simply for the purpose of discussing a Bill on the provisions of which the Ministers had made up their minds, but they were also to be kept there while the Ministers should be considering with the hon. and learned Attorney General what should be the constitution of the Court, either overriding the hon. and learned Attorney General, or being ridden over by him on that subject. Under these circumstances he thought that matter had been laid for some further consideration on the part of the Government as to the course that should be taken with respect to the Bill.

THE ATTORNEY GENERAL said, the statement of the right hon. Gentleman was totally at variance with the facts of the case. It was undoubtedly true that he considered that before the Bill was passed by the House of Lords it would have been better to enlarge the number of Judges of whom the Court was to be constituted, but he had not been at issue with noble and learned Lords on that subject. His attention having been called to the circumstance, which the right hon. and learned Member for Dublin University (Mr. Napier) referred to, and observing that, unless the Bill should be put in the form in which the Irish Bill must be framed, there would be a difference between the two tribunals, he was desirous of having an opportunity of pointing that out again in order to enlarge the number of the Judges by whom the Court was to be constituted, and that was the whole of the proposition he had made to the Committee. With reference to the statement that there was a blot in the Bill the right hon. Gentleman was likewise wrong, for all he had stated was that, whereas the 39th section contained a provision for the service of the petition either within or without Her Majesty's dominions, he intended to make that more complete by a reference to certain statutes.

LORD STANLEY observed, that as something had been said about the period of the Session he wished to remind the Committee that irrespective of any measure under consideration there existed strong reasons in his mind why the Session should not suffer an adjournment at the present period. This was a time of emergency, and no one knew what news might arrive in a few days from an important part of the empire. Therefore, totally irrespective of this measure or any other which might have been introduced into the House, he thought it desirable that in this emergency the representatives of the people should be assembled at their post assisting and supporting, with all the authority and moral influence they possessed, the Executive Government. It had been said that because the principle of the Bill had been carried the Government might be content with that success, and leave the consideration of the details till another Session. But did those who opposed the measure as being contrary to every principle of religion and morality, mean to say that they were prepared to enter into any understanding that when the measure should be taken up in another Session they would allow the principle to pass without any opposition? Consistently with their views they could not and would not adopt such a course. The result of the abandonment of the measure now would be that the time spent in its discussion in that House and elsewhere would be entirely thrown away, and he would only observe that if on the part of those who supported the measure there had been an unwillingness to put themselves before the House, that had risen from the feeling which they entertained that the object of the Government, of the majority of the House, and of the public, would be best promoted by listening patiently, and not occupying the public time.

Mr. HENLEY said, that he did not think, after the speech of the hon. and learned Attorney General, that their labours in discussing this Bill were likely to be very short, because the hon. and learned Gentleman had stated with respect to a very important part of it, the constitution of the Court, that in consequence of an accidental observation made by his right hon. and learned Friend the Member for the University of Dublin, a new light had been thrown into his mind and he found that it would be necessary to reconsider that portion of the Bill. It was impossible to say what other incidental observations might be made which would render it necessary to reconsider the construction of other parts of the Bill over and over again. The noble Lord at the head of the Government stated that the Bill had received the careful consideration of the Government; but, if so, it was astonishing that they had not come to a conclusion as to the constitution of the Court. He was surprised at the strong language in which the hon. and learned Attorney General had condemned that portion of the measure, because he should have thought that it was one of the points on which the Government would have formed a definite opinion. The Attorney General, however, had condemned the constitution of the Court in language more forcible than any Member of the Opposition probably would have ventured on.

The ATTORNEY GENERAL thought that a rather uncandid advantage had been taken of what he had stated; but it would be a lesson to him how in future he adopted any suggestions from the other side. As the Committee did not appear to be in a disposition to proceed with the Bill at present, however, he should not object to reporting progress.

Question put and *agreed to.*

House resumed.

Committee report progress; to sit again on *Thursday.*

REPRESENTATIVE PEERS (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Mr. BUTT said, he intended to move an Amendment affirming that it be an instruction to the Committee that they have power to make provision in the Bill to enable Peers of Ireland, not being Lords of Parliament, to serve in the House of Commons for any county, city, borough, or place in Ireland, for which they shall be duly elected, and for which they shall be willing to serve and continue to serve. At that late hour, however, he did not think it right to move the Amendment, but would press it at some future stage of the Bill.

Bill passed through Committee.

House resumed. Bill *reported,* without Amendment; to be read 3° *To-morrow.*

LEASES AND SALES OF SETTLED ESTATES ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

Mr. WHITESIDE, in moving the second reading of this Bill, said that a very sensible and useful Act was passed last year, into which the Attorney General was induced by the Metropolitan Members to insert a clause of which Parliament ought to be ashamed. The Bill enacted that in order to avoid the delay and expense of private Acts, persons who wished to obtain the power to grant leases on settled estates should submit their case to the Court of Chancery, which would accede to or refuse the prayer of the petition as it thought proper. One person alone in the British Empire, Sir Thomas Maryon Wilson, was excluded from the benefit of this measure by the clause to which he had referred, which provided that the Court should not be at liberty to grant any application under this Act in any case where either House of Parliament had rejected on its merits a private Bill to effect the same or a similar object. It was convenient to assert that Sir Thomas Maryon Wilson, if this clause were not in force, would apply to the Lord Chancellor to build on Hampstead Heath, but this was just as true as that Sir Thomas would seek to build on the top of St. Paul's. To build on the heath would be contrary to his interest; it never was his intention to do so; and, even if it were, a private Act of Parliament would be necessary, inasmuch as this was a common, and must be dealt with as such. A proposal had been made to purchase the heath and convert it into a park, and to this there could be no objection. The sum required, however, was £160,000; but the fact was that Sir Thomas Wilson was not anxious to sell it, and for this reason—because the copyholders claimed one half of the money. What Sir Thomas Wilson wanted was the power to apply to the Court of Chancery for the liberty to build on the Finchley Road estate, which, though adjoining the heath did not form part of it. It was most unconscientious on the part of the Legislature to pass a clause aimed at one man, and he hoped, therefore, the House would consent to the second reading of this Bill, which repealed the objectionable clause, and thus perform an act of simple justice.

Mr. MALINS said, he rose to second the Motion. From the land with regard to which Sir Thomas Wilson made this application Hampstead Heath could not be seen, and it had no more to do with the heath than the Seven Dials had, except that it was rather nearer. It would no doubt be very agreeable to the people of the Metropolis to have a large space kept open at Hampstead, but were the interests of Sir Thomas Wilson to be sacrificed to keep it open? Why should Sir Thomas Wilson be excluded from a benefit which had been conferred on all other persons in similar circumstances? That exclusion was not only absurd, but unjust. He last year warned the hon. and learned Attorney General that this Bill might be seriously imperilled by the insertion of the clause excluding Sir Thomas Wilson from its operation, and the event was such as he had anticipated. That very useful Bill, which enabled applications to be made to the Court of Chancery for powers to grant mining and building leases where there were no such powers, and of which several persons had availed themselves, was very nearly rejected by the House of Lords on account of the insertion of that clause. It was founded on injustice, and therefore his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) came forward with this Bill to put Sir Thomas Wilson in the same position as the rest of Her Majesty's subjects. The hon. Member for Finsbury, who had been returned to that House by very large masses of the metropolitan population, was impatient to rise for the purpose of moving that the Bill be read a second time that day six months. [Mr. Cox: No, no!] He understood that the hon. Gentleman had a notice on the paper to that effect. If he (Mr. Cox) knew anything about the situation of the property he challenged him to say whether he had not rightly described it. He asked him, as a representative of the people, on what ground Sir Thomas Wilson, above all other persons, was not to have the ordinary incidents of property, and why his interests were to be sacrificed because his property was in an agreeable situation? He hoped that the House would consent to the Bill being now read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. COX said, there had been frequent instances during this Session of public Bills having been brought forward as private Bills, but this was an instance of a private Bill being brought forward as a public Bill. At that time in the morning (five minutes past one o'clock) he should not take up the time of the House by stating the reasons which he could offer against the second reading of the Bill. To do so would occupy half an hour, and he should not feel justified in taking up so much time at that hour. He would merely say, by way of justifying his Motion, that the debate be adjourned; that he agreed with the hon. and learned Gentleman opposite, who, in reference to another Bill which had been discussed that evening, had said that there were limits beyond which human endurance could not go.

Sir HENRY WILLOUGHBY observed, that he understood that the successor of Sir Thomas Wilson would be fully authorized, without the assistance of any Act of Parliament, to build on Hampstead Heath. If that were so, he suggested that now was the time for the people of the Metropolis to make some arrangements with Sir Thomas Wilson to secure Hampstead Heath as a place of public resort for healthy recreation.

Viscount PALMERSTON said, the general understanding was, that any Bill which might create a prolonged discussion would be postponed, and he therefore hoped that the hon. and learned Gentleman would not attempt to press his Bill forward at that hour. His hon. and learned Friend the Attorney General, who had been very much wearied by the debate which had taken place upon the Divorce Bill, had retired, and that was another reason for the postponement of this Bill.

Mr. WHITESIDE said, he thought he had been rather hardly dealt with. The hon. Member for Finsbury (Mr. Cox) had not offered a single reason against the Bill, and if he could not make out a better case against the Bill than he had that night he saw no reason for postponement. However, if the noble Lord intended to vote against the Bill, of course there was no chance for him. Sir Thomas Wilson was entitled to a more favourable consideration from the popular side of the House than it appeared he was likely to receive from that quarter. He had no objection to the adjournment of the debate till the next day (Wednesday), when probably the Attorney General would have recovered from his weariness. He would consent to any course which the noble Lord might suggest, provided he gave him a little encouragement. Would the noble Lord withdraw his Divorce Bill to expedite the passing of this Bill ?

Lord ROBERT GROSVENOR hoped the hon. and learned Gentleman would withdraw the Bill. Many hon. Gentlemen had been waiting for the last three weeks to oppose the Bill whenever it should come on. The hon. and learned Gentleman himself had partly occasioned the delay which had occurred with respect to the Bill, for he was not in the House when called upon to proceed with it.

Mr. WHITESIDE: I shall most positively proceed with it to-morrow.

Mr. HENLEY said, he thought the proposition of the noble Lord at the head of the Government was a very reasonable one, seeing that the Government had already consented to the postponement of the Insurance Bill solely on account of the lateness of the hour at which it was brought on. He suggested to his hon. and learned Friend that he should proceed with the Bill the next day (Wednesday) because, as it was a private Bill, it would then have precedence.

Mr. WILSON: I hope we shall have no misunderstanding about the matter. Private Bills do not take precedence of Government Bills, nor do Government Bills take precedence of private Bills on Wednesdays. All the Bills are taken on those days in the order in which they have been put down.

Mr. SPOONER: The hon. Gentleman is perfectly wrong. Wednesday has always been fixed for private business. There is a Resolution upon the subject.

Motion made and Question, "That the Debate be now adjourned," put, and *agreed to.*

Debate *adjourned* till *To-morrow.*

PERSIA AND HERAT.—QUESTION.

Mr. WARREN said, he wished to inquire whether the Government have received any intelligence of the refusal of the Persians to evacuate Herat.

Viscount PALMERSTON: I do not believe, Sir, that any intelligence has been received as yet with regard to the evacuation of Herat. I do not think there has been time for a communication to be made after the arrival of the Commissioner at Teheran.

House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, August 5, 1857.

Minutes.] New Writ — For Birmingham, *v.* George Frederick Muntz, esq.

Public Bills.— 2° Sale of Obscene Books, &c., Prevention; Leases and Sales of Settled Estates Act Amendment; Dunbar Harbour Loan. 3° Burial Acts Amendment.

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.

SECOND READING.

Order for Second Reading read.

Sir ERSKINE PERRY, in moving that the Bill be read a second time, suggested that there should be no discussion upon it at present. What he proposed was, that it should be read a second time, with the view of its being committed *pro formâ* to-morrow, in order to insert various Amendments, which would, he believed, remove many of the objections entertained to the Bill.

Sir GEORGE GREY said, he had no objection to the course suggested by the hon. Gentleman. He could not himself have voted for the Bill in its present form, but he had been in communication with the Chief Justice of the Queen's Bench, who had expressed his assent to the introduction of certain Amendments which appeared to him to be very desirable.

Bill read 2°, and *committed* for *To-morrow.*

ECCLESIASTICAL COMMISSION BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 23 *agreed to.* Four new Clauses added.

Mr. WALPOLE then moved a verbal Amendment in the preamble.

Lord JOHN MANNERS said, he would take the opportunity of saying that such was the railway speed at which this Bill had been passed through Committee, that he had had no opportunity of moving an Amendment to a clause which had passed without discussion. He should take the first opportunity of endeavouring to rescind that decision.

Preamble, as amended, *agreed to.*

House resumed. Bill *reported;* as amended, to be considered on *Friday,* and to be printed.

TROOPS FOR INDIA.—QUESTION.

Order for Committee (of Supply) read.

GENERAL CODRINGTON said, he wished to ask the Under Secretary for War, the reason of sending only 140 men to the East Indies, as the complement of a Troop of Horse Artillery, when the War complement of such a troop is 253 men?

Sir JOHN RAMSDEN said, he apprehended that his hon. and gallant Friend was aware that the force of Artillery had been put under the orders of the East India Company in the same way as all other troops sent to India, in compliance with the requisition made to the Government by the Company. That requisition specified the number of the forces, and the number of each troop and company had been so arranged as to bring the total number within the requisition made, and that was the reason why that particular number had been decided upon.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

BUSINESS OF THE HOUSE.

OBSERVATIONS.

Mr. SPOONER said, he wished to call the attention of the House and of the Home Secretary to the deviation from the constant practice and acknowledged rule of the House, that on Wednesdays all measures brought on by private Members should be disposed of before any Government Order was taken. He did not wish to throw any obstacle in the way of going into Supply, but thought it right to point out that such a practice as was now attempted to be pursued was fraught with evil, and might, in fact, enable the Ministers of the day to stop any measure, however important it might be, which was brought in by an independent Member. Seeing that they had the command of all the other days of the week, they could, if priority of Orders on Wednesday were given them, use that power to stifle such Bills as they were opposed to. Wednesday had always been considered a day upon which private Members could bring forward their Bills, and, although an attempt of this kind was made a few years ago, the Secretary of State on that occasion had the good sense to see the impropriety of persisting in it. To-day there were two important measures on the paper, the Election Petitions Bill, and the Leases and Sales of Settled Estates Bill, which, if not brought on, could not be passed at all this Session. In the absence of his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), who had charge of the latter Bill, he would move as an Amendment that the House proceed to Order No. 12 on the paper.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "the Order of the Day for the Committee of Supply, and the seven succeeding Orders, be postponed until after the Order of the Day for the Third Reading of the Election Petitions Bill," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. W. WILLIAMS said, he agreed with the hon. Member for North Warwickshire that the practice of taking supply on a Wednesday ought not to be countenanced. The Government were not treating the House with due deference. They had seized upon every day in the week, both at the morning and evening sittings, except Wednesday, and now, for the first time, they were attempting to take away that day, and thus deprive private Members of the opportunity of bringing forward their Bills. He should second the Amendment.

Sir GEORGE GREY replied, that the instance referred to by the hon. Member for North Warwickshire in which the Government had deferred to the House, and had not persevered in taking precedence on Wednesday, occurred much earlier in the Session than the present time. There was no rule of the House which gave precedence to private Members on Wednesdays, and it was usual, in the month of August, to take the orders of the Government in that order in which they were set down in the paper. [Mr. Spooner: It was never done before.] It was done on the 2nd of August, 1854. However, it was desirable that no discussion should take place on the subject, which would end in the day being wasted without anything at all being done, and he had therefore no objection that the Supply, which would probably last all day, should be postponed till all the Orders had been gone through.

Mr. BRISCOE said, he hoped that the late period of the Session, now so often alluded to, would operate upon the Government and prevent them from pressing forward important Measures, some of which had not even been read a first time.

Mr. SPOONER said, he had no objection to the arrangement proposed by the right hon. Baronet, but still protested against the principle of giving precedence to Government Orders on Wednesdays. Under the circumstances he should withdraw his Motion.

Amendment and Motion, by leave, *withdrawn.*

Resolved, That the House will, after the other Orders of the day, resolve itself into the said Committee.

GREAT YARMOUTH ELECTION.

Order for consideration of Petition of Charles Woolfen [presented 3rd August] read. Petition *considered.*

Ordered,—

That Charles Woolfen, having in his Petition to this House expressed his contrition for his offence, be discharged out of the custody of the Keeper of Her Majesty's Gaol of Newgate; and that Mr. Speaker do issue his Warrant accordingly.

ELECTION PETITIONS BILL.

THIRD READING.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the third time."

Sir GEORGE GREY said, that it was impossible that the Bill could pass as it at present stood. The fourth clause of the Bill was absolute nonsense, for by it a particular form of affidavit was required, which was to be provided in a schedule to the Bill, but as the Bill stood there was no schedule to it at all. He thought it would be a disgrace on their legislation to send the Bill in its present shape to the House of Lords. Besides, if the Bill were passed, the effect of it would be to bring all those individual cases involving the withdrawal of election petitions for consideration before the full House, which would be very inexpedient. He did not know what reasons there might be in the background for urging the Bill forward; but if there was a suspicion that any election petitions had been improperly withdrawn, or that petitions had been presented to the House with the view of extorting money, those were subjects which the House ought to take seriously into consideration. If such cases had occurred, it was surely desirable to proceed in the first instance by inquiry, so as to ascertain the most effectual manner of dealing with the evils, and not by guessing at the remedy to attempt to meet them in so crude and unsatisfactory a mode as was proposed by this Bill. At all events it was impossible that the Bill could proceed in its present state without bringing their legislation into degradation, and he should therefore move as an Amendment that it be recommitted, in order to be read a third time that day three months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. MALINS said, as he had taken a very active part in supporting the general object of the Bill, and believed it to be a very important one, he was glad to see that the sense of the House was obviously in favour of giving some additional protection to its Members with reference to the system of presenting and withdrawing election petitions. It was certainly undesirable to sanction crude and ill-digested legislation on any subject; but when the right hon. Gentleman (Sir George Grey) pointed out that by the 4th clause of the Bill an affidavit was to be made in the form prescribed by the schedule, and that there was no schedule to the Bill, he ought to remember that that was clearly the result of the great pressure placed upon private Members at this period of the Session. The question, however, was whether they should continue to press on a Bill of this important kind in its present shape, the principle of which they had already affirmed, or stop to cure the omission which the right hon. Baronet had pointed out. What he (Mr. Malins) would recommend was that, as after such delay there would be little chance of carrying the Bill through this Session, his hon. Friend (Mr. Spooner) should withdraw his Motion for the third reading of the Bill, on the understanding that the Government would on a future occasion assist his hon. Friend (Mr. Adderley) in his endeavour to amend the law in this respect. [" Hear, hear!" from Sir G. Grey.]

Mr. SPOONER (who had charge of the Bill in the absence of Mr. Adderley) said, that he would adopt the suggestion on that understanding.

Mr. HENLEY said, the Bill dealt with a great evil, but one which it was very easy to desire to have remedied, though extremely difficult to discover what the proper remedy should be. He was glad, however, that the Bill had been withdrawn, for in its present shape it would have been wholly inoperative.

Mr. NEWDEGATE said, that the measure had been brought into a state of confusion, owing to the manner in which the Government monopolised every moment of the public time, and the consequence was that the object which his hon. Friend the Member for Staffordshire (Mr. Adderley) had in view, was quite defeated. In its present state he did not object to the Bill being withdrawn.

Question, "That the word 'now' stand part of the Qustion," put, and *negatived.*

Words *added:* Main Question, as amended, put and *agreed to.*

Bill *put off* for three months.

LEASES AND SALES OF SETTLED ESTATES ACT AMENDMENT BILL.

SECOND READING—ADJOURNED DEBATE.

Order read for resuming Adjourned Debate on Question [4th August], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

Lord ROBERT GROSVENOR said, he hoped the House would not for one moment entertain the Motion for the second reading of this Bill. It had been brought in for the purpose of repealing certain clauses in an Act of Parliament passed so recently as last year, and which had the effect of precluding Sir T. Wilson from building on Hampstead Heath. That was an Act which, as originally introduced, instead of compelling persons who wished to procure an alteration in the settlement of entailed property to have a special Act of Parliament for that purpose, enabled the Court of Chancery to deal with such settlements, and thus gave a present tenant power to grant leases and powers of sale, which he would not otherwise have been able to do without the sanction of an Act of Parliament. That Bill was first brought in in 1855, and it being a great novelty in legislation, the Bill was referred to a Select Committee, who, after duly considering its provisions, thought it would be dangerous to transfer such a power to the Court of Chancery, without accompanying it with certain safeguards in the interest of the public, and the very clauses which it was now sought to strike out were inserted in the Bill for that purpose. That Bill, however, was, in consequence of the advanced state of the Session, withdrawn. In 1856 it was again brought forward, and it then contained clauses which gave the public protection against the Court of Chancery dealing with settled property with closed doors, and before subordinate officers of the Lord Chancellor. The House agreed to the Bill in the shape in which it was eventually passed into a law. But the House of Lords by a small majority rejected the particular clause which prevented the Court of Chancery reviewing the decisions of Parliament. The Bill was then returned to the House of Commons, and that House, for reasons urged by the hon. and learned Attorney General, insisted on the re-insertion of the clause which the Lords had rejected. The Lords afterwards, in consideration of the reasons given by the hon. and learned Attorney General, assented to the restoration of the clause in question, and the Bill was passed at the end of the last Session. Now, however, almost before that Act had come into operation, there came down to that House not a country gentleman, but a lawyer from Enniskillen and a distinguished Gentleman (Mr. Whiteside), and, acting in concert with the hon. and learned Member for Wallingford (Mr. Malins), actually proposed to the House to give up the safeguards in question, and to repeal the clauses enacting them when the ink with which they were written was barely dry. He (Lord R. Grosvenor) hoped the House would not be guilty of stultifying its proceedings in that way, and he should therefore move, in the absence of the hon. Member for Finsbury (Mr. Cox), who had given notice of a similar Amendment, that the Bill be read a second time that day three months. He might add, that he had always argued this subject on the broad ground of public justice, and without reference to the case of Sir Thomas Wilson, whose interests were said to be involved in it, but which he submittted were in nowise prejudiced by the Act of last year.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. SPOONER said, he was sorry that his hon. and learned Friend (Mr. Whiteside) who had charge of the Bill, was not present, as he would have defended the Bill in a more able manner than he (Mr. Spooner) could do. His hon. and learned Friend's absence was probably owing to the irregular course which had been taken in altering the usual mode of proceeding. The noble Lord had put a gloss on this affair which he was not justified in doing. The clause in the Act to which the noble Lord had alluded was an extraordinary one, and operated most unjustly towards individuals, for that clause absolutely enacted that no person should take any benefit under the Act of 1856 who had at any time—there being no limit to the time—applied to Parliament for additional powers of dealing with his settled estates. That clause would never be acted on except with reference to the individual case of Sir Thomas Wilson, because—and he had the authority of his hon. and learned Friend (Mr. Malins) for saying so—there was no similar case. Even if there were, it was most unjust to deprive a man of the right of applying to the Court of Chancery, when his case had in any form been before Parliament. The notion that the heath would be encroached upon was absurd; it was copyhold, and could not be enclosed for the purpose without an Act of Parliament. The land to which the Bill applied was not on the heath, and was land in which Sir T. Wilson had a life estate. The Attorney General supported the Bill.

Mr. BUTT said, that as the only Member present of the Select Committee who recommended the insertion of the clause in the original Bill, he wished to observe that this Bill was an attempt to unsettle without due consideration what had been settled on mature deliberation, and by agreement between both Houses. The facts of Sir T. Wilson's case were these: he had made many applications to the House of Lords with the same object in view, and it was a mistake to say that that House had uniformly reported in favour of these private Acts. He believed, on the contrary, that on every occasion but one [Lord R. Grosvenor: On every occasion], the Judges reported against them, and on every occasion the House of Lords refused to pass them. Immediately on the rejection of the last private Bill the present measure was brought in, obviously for the purpose of meeting this gentleman's case. He thought that the decision of the Committee which had considered this question, of the House of Commons which had affirmed that decision, and the House of Lords, which, after a solemn conference, had acquiesced in it, ought not to be passed over as nothing; and he should therefore strenuously oppose this Bill. If, however, Sir T. Wilson wanted relief, let him come for it by a private Bill, and his case would be considered fairly.

Mr. HENLEY said, he thought the name of Sir T. Wilson ought not to be mixed up with the question, which ought to be settled on general principles. The name had been introduced because an impression prevailed that it was an attempt to do by a general measure what had failed when attempted by a private Bill. The clause certainly only applied in cases in which the House had decided on, in cases in which the Judges had reported against a measure; but did his hon. Friend think that in no other case had the House of Lords rejected an application for extended power of leasing by a private Bill. He put the matter upon this footing, that when the Legislature had decided upon a question, its decision ought not to be liable to be overruled be the decision of a single Judge. Upon that ground—the ground of public policy—he should vote against the Bill.

Mr. NAPIER said, he thought it was extremely unjust to preclude persons from taking advantage of the Act of last year on the mere ground of their having previously made an unsuccessful application to the Legislature. What would the House think, if, under the new Divorce Bill, a person was to be told that he should not have the opportunity of taking his case before the improved tribunal which was to be set up, because he had previously applied for a divorce before another Court? Would any one say that the introduction of this clause was not for the purpose of affecting Sir Thomas Wilson's case? If the Lord Chancellor had any prejudice at all, it would be against the application. Why should not the first Judge in the kingdom be trusted with such applications as well as others? He should, therefore, support the Bill, because he considered that, as far as possible, the rights of owners of property should be made absolute. In that way only could society obtain that advantage from property to which it, as well as the owners, was entitled.

Sir DENHAM NORREYS said, he

thought that to exclude the name of Sir T. Wilson from this discussion would be to act the play of *Hamlet* with the part of Hamlet left out. In fact, the whole opposition to the Bill arose from Sir T. Wilson's case, against whom the whole power of Parliament had been brought to bear, merely because he had a property which the London public coveted and hoped to have upon their own terms. In order to stop the Bill, the Metropolitan Members had been subjected to the most cogent pressure from their constituents; and, if it did not pass, it would be absurd on the part of Sir T. Wilson to attempt to bring in a private Bill to relieve himself from the position in which his property stood, for there would be such an excitement in the metropolis that hon. Members would not be safe in walking about London. And if it were likely to pass, the noble Lord (Lord Robert Grosvenor) would fraternize with his old Hyde Park mobs, the Members for Marylebone would bring down their vestries, and the hon. Member for Middlesex (Mr. Hanbury) would bring down his brewers to coerce the House. The opposition to the Bill was based on the grossest injustice.

Mr. STAPLETON said, that all which the clause sought to be repealed did, was to prohibit a lower tribunal revising the decisions of a higher tribunal, from which certain judicial matters had been remitted.

Sir HENRY WILLOUGHBY said, he thought it very impolitic for the Metropolitan Members to press so hard on Sir T. Wilson. He wished that some arrangement could be made to secure Hampstead Heath as a place of recreation, because there would be nothing to prevent the successor of Sir T. Wilson covering the ground with buildings.

Mr. W. WILLIAMS said, the Metropolitan Board of Works were anxious to make an arrangement with Sir T. Wilson; but if this Bill passed, there would be an end of all hopes that any arrangement would be made.

Mr. MALINS said, that, up to the time of passing the Act last year, whenever a will was drawn defectively, so that the tenant for life had no power of granting leases, it became necessary to apply to Parliament for an Estate Bill, which cost from £300 to £500, and sometimes a larger amount. The Bill which passed last year was the second introduced by the Government with the same object, namely, to transfer the power thus exercised by Parliament to the Court of Chancery. He gave his cordial support to that Bill; but he warned the hon. and learned Attorney General against the clause which it was now sought to repeal. The hon. and learned Attorney General persevered, and the clause became part of the law. A short time ago the hon. and learned Attorney General told him that his object in supporting the clause last year was to give the Metropolitan Board of Works an opportunity of making an arrangement with Sir T. Wilson for the purchase of Hampstead Heath, and that, as the Board did not seem inclined to make any arrangement, he would support the present Bill, which would repeal that clause. The Act of last year enabled the Court of Chancery to confer powers of leasing for agricultural, mining, and building purposes upon tenants for life, and enabled trustees to sell and exchange property, and so forth. It had been in operation a year. He had anticipated that the applications to the Court would be numerous, and the result had proved his accuracy. He did not mean to represent that there had been shoals of applications, but the applications had been very numerous, and, as far as his experience went, in every instance they had been acceded to. But a clause in the Act provided that the Act should not apply to persons who had before made application to Parliament unsuccessfully for these powers. He believed there was no other instance of the rejection of an Estate Bill, except that of Sir T. Wilson; and therefore, at the time the original clause was passed, he invited the Attorney General to have the manliness to insert Sir T. Wilson's name, and say in words that which every one knew was meant—that the Act should not apply to Sir T. Wilson. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) supported the clause lest the Court of Chancery should over-ride the House of Commons. Now, it was not that House which decided on Estate Bills, but the House of Lords, and therefore, if any decision were over-ridden, it would be the decision of the House of Lords; and yet, last year, the House of Lords rejected the clause; and, unless an arrangement had been made, the Bill would have been lost because it contained that clause. It was true that, fifteen years ago, Sir T. Wilson unsuccessfully made application to Parliament for these powers; but lapse of time altered circumstances, and what was inexpedient in 1842 might be expedient in 1857. It did not, however, rest on that argument. The application of Sir T. Wilson was rejected because it was intermixed with the idea that Sir T. Wilson was going to build on Hampstead Heath. It was as ridiculous an idea as ever entered into the mind of man. Hampstead Heath was a common. Persons in the neighbourhood had rights of common upon it, and no lord of a manor could unrestrictedly enclose or build on a common without the consent of every commoner. It would have been prejudicial to Sir T. Wilson's interest to do so, and the law as it stood prevented his doing it. The whole value of the clause in the Act last year was, that it applied to Sir T. Wilson; and the whole value of this Bill was, that it would relieve Sir T. Wilson from restrictions which could not be justified. He showed last night that the proposed buildings were not in sight of Hampstead Heath or near it, and that, if the whole space were covered with a solid mass of buildings, Hampstead Heath would be just as beautiful and just as available for riding and walking as it was at present. An unprecedented and unwarrantable exception had been introduced into a general law, which would last only during the life of a man more than 60 years of age. He therefore hoped the House would support this Bill, and redeem Parliament from the stigma of such an act of injustice.

Mr. BARROW said, he had supported the introduction of the clause in the Bill last year upon general principles. He knew nothing of Sir T. Wilson, and very little of Hampstead Heath; but he did hold that it would be outrageous to authorize the Court of Chancery to over-ride the decisions of Parliament. If Parliament had decided against any person, and that person wished to appeal against the decision, he might appeal to Parliament; but he ought not to be allowed to obtain the reversal of a decision of Parliament, by appealing to an inferior tribunal.

MR. WHITESIDE said, he must call upon every hon. Gentleman who had property, and every hon. Gentleman who respected the law which gave security to property, to reflect before giving his vote against this Bill. The Bill was intended to repeal a clause in a general law passed last year; a clause which he could not but consider as a deliberate and barefaced invasion of the rights of property. When that clause was originally introduced the Bill was thrown out because it had the clause in it, and the hon. and learned Attorney General, who had been induced to consent to its being put in on the second occasion (upon the representation of the metropolitan Members that it was intended to buy the property) was now ready to support the Bill for its repeal. When an important Act of Parliament passed it was usual for some member of the bar to write a little treatise upon it. A member of the bar had written a treatise on the Leases and Sales of Settled Estate Act of last Session, and in it was to be found this commentary upon Clause 21, which this Bill sought to repeal:

> "The simple truth is, that this section, though couched in general terms, was intended to meet a single case, and had no other object than to prevent Sir T. Wilson granting leases of certain lands near Hampstead Heath, of which he is tenant for life under his father's will. The arguments by which it was endeavoured to establish the distinction between the case of Sir T. Wilson and most other applicants for similar powers appear frivolous to any unbiassed person, and would assuredly not be listened to if the property stood in North Wales instead of Hampstead."

If the public wanted the property they ought to buy it, but not attempt to compel the owner to receive less than its value. The Metropolitan Board of Works had behaved very well in the matter. They entered into the consideration of the purchase of Hampstead Heath, and passed a Resolution that it was not their intention at present to deal for it. The Metropolitan Board had turned their attention to a park elsewhere, for which they probably thought it would be easier to raise money than for Hampstead Heath, which was already open to the public, and which it was the interest of the proprietor to keep open to the public. The able and learned person who had written the treatise on the Act, after giving an account of the transactions, went on to say:—

> "Such is the history of this prolonged struggle of Sir T. Wilson. With respect to the assertion that by the Bill introduced attempts were made to enclose Hampstead Heath, though often repeated out of doors, it is impossible any one can maintain it who professes to have read those Bills."

Sir T. Wilson complained that statements the exact contrary of the truth should be repeated. He neither wished to build nor enclose Hampstead Heath. The law prevented his meddling with it; and all the alteration of the law which he wanted was to be allowed to lay his case before the Lord Chancellor, which every one else might do except himself. The hon. Member for Lambeth (Mr. W. Williams) said the treaty for the purchase might be interrupted if this Bill passed. There was no treaty. The Metropolitan Board of Works had had the opportunity to purchase the property, and they declined purchasing it, except at a preposterous price. What more could be done? He had postponed the Bill to see whether any public body would purchase the property. They would not, and there was an end of it. Did they mean by vexatious delays to force the acceptance of ruinous terms? Was that the justice of a British House of Commons? The noble Lord at the head of the Government said last night that he was of a cheerful spirit, and not easily discomfited. He was happy to say he had the same cheerful spirit, and if the Bill were lost now and he (Mr. Whiteside) should survive this Session, which he feared was doubtful, he should persevere in demanding a hearing in the next.

Mr. HADFIELD said, that it was precisely on the principle of allowing the case of Sir T. Wilson to be reconsidered that the clause was carried last year by a considerable majority, and these very grounds were alleged by the Attorney General as the grounds for not agreeing in the decision of the House of Lords as to the clause. There had never been any wavering of the House on the question, and he trusted the House would adhere to its own repeated decisions.

Sir JAMES GRAHAM said, that this question had been repeatedly under the consideration of the House, and upon every occasion, in his humble judgment, injustice had been done to Sir T. Wilson. Whatever form the question had taken, his opinion as to the abstract question of justice had never wavered. He had not the slightest personal acquaintance with Sir T. Wilson, but that gentleman appeared to be in the unhappy position of Naboth, and possessed property which the public coveted. He had tried to obtain by private Bill the right of dealing with that property in the manner in which all other tenants for life were now entitled by general enactments to deal with their property; but, in consequence of his land being coveted by the public that privilege had been refused to him. Now, what the public desired was free access to Hampstead Heath, and it was important that their wishes in that respect should be gratified. But Sir T. Wilson had not an unqualified right to Hampstead Heath. There were other commoners, and before he could interfere with the enjoyment of the public he must obtain either the concurrence of all the commoners, which was highly improbable, or the sanction of Parliament to an enlargement of his powers for building purposes. The truth was, however, that what he desired to deal with was, not Hampstead Heath, but other property adjacent to it, where he was restrained from exercising the usual rights of a proprietor. Last year, or the year before, a general enactment was passed extending leasing powers most advantageously to tenants for life, but a special prohibition was inserted against Sir T. Wilson. A relaxation of that prohibition was now sought, and that relaxation was to be denied because, incidentally, Sir T. Wilson would be included. Whether, therefore, he endeavoured to obtain justice through the medium of a private Bill, or whether he claimed to be put in the same position as all other tenants for life, it seemed that the House was determined to treat Sir Thomas Wilson with injustice. But the public were not to be so served. He was satisfied that if the question were put to the inhabitants of the metropolis they would say, "By all means keep Hampstead Heath open as a great source of enjoyment to us, but do not on that account commit a gross act of injustice to an individual." He had felt bound in justice to Sir T. Wilson to state his views on the question, and for the same reason he should support the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 77; Noes 59: Majority 18.

Main Question put and *agreed to.*

Bill read 2°, and *committed* for *To-morrow.*

DUNBAR HARBOUR LOAN BILL.

SECOND READING.

Order for Second Reading read.

Sir JAMES GRAHAM said, he rose to ask the Secretary of the Treasury to explain the special circumstances which had induced the Government to propose this measure. Great advantage had been found to result to the public from placing unrestricted confidence in the discretion exercised by the Exchequer Loan Commissioners; and in all the instances in which Parliament had intervened to obtain a loan for the applicants, the result had been unfavourable. He would instance the Thames Tunnel. The trustees of the Dunbar Harbour had made an application to the Commissioners for an advance for the repair of the harbour, which advance, according to the general rule established by the Commissioners, had been refused. It was now proposed by Parliamentary interference to set aside that decision of the Commissioners, and by an enlargement of their powers to enable them to make an advance which, in the exercise of their discretion under the existing Act, they had refused. There might be special circumstances justifying that interference, but they should be brought directly under the notice of the House, by a statement on the part of the Government. He would state why he looked upon this transaction with more than ordinary jealousy. When he was at the Admiralty he felt that a harbour of refuge between the Humber and the Forth was absolutely necessary for the safety of the coasting trade, and, guided in his opinion by the highest authority, he thought that Hartlepool afforded the greatest facilities for making at least cost the best harbour of refuge. During the present Session the trustees of the Hartlepool Harbour made an application to the Exchequer Loan Commissioners for an advance, and upon his own recommendation they also laid their case before the Treasury. The Treasury declined to interfere, and in the absence of such interference the Exchequer Loan Commissioners refused to make the advance. He did not quarrel with the decision either of the Treasury or of the Commissioners; but the consequence of that refusal had been to retard, if not frustrate, a work of great importance, which might be carried into execution at little cost and with no inconsiderable prospects of public advantage. Under these circumstances he confessed he was surprised to see a proposal made to Parliament, in defiance of the general rule, with respect to the small harbour of Dunbar, which could not be compared for a moment with that of Hartlepool. He had no doubt, however, that the reasons which had induced the Treasury to depart from the established rule were very strong, and he was quite willing to yield to their force; but at any rate, he thought they ought to be stated to the House.

MR. A. SMITH said, he likewise thought that some explanation was due as to the circumstances under which the Bill was brought forward. The peculiar circumstances of the Bill were embodied in a Report which was issued by the Commissioners of the Fishing Board of Scotland in November last. The Report stated that the harbour works were of importance to the fishermen, and that a portion of them had been swept away by a storm last winter. Now, the value of Dunbar as a port must, he thought, be extremely small, for on looking over the returns he could not find that it had a single boat of its own engaged either in the herring or any other fishery. He did not deny, however, that the harbour was resorted to by fishing boats belonging to other ports. That it stood in need of repair he had no doubt, but for the dilapidated state into which it had been allowed to fall the trustees were to blame, as the dues ought to have been applied to their repair. It further appeared by the Report that a long correspondence had been going on on the subject between the trustees and the Government, and he felt that this correspondence ought to be produced before they came to any conclusion. He would, therefore, ask the Secretary to the Treasury why this Bill was introduced as a public and not a private Bill, and why it was brought in so late in the Session, and why so large a sum as £20,000 was to be guaranteed, when the Report stated that £6,000 would be sufficient? Besides which the trustees of the harbour had it in their own power to raise the money. He could not see any necessity of passing this Bill. If this assistance was to be given to Dunbar, there were innumerable other cases which would be stronger, and which could not be refused. If a satisfactory explanation were not given, he should move that the Bill be read a second time that day three months.

MR. WILSON said, he fully agreed in all that the right hon. Baronet had stated as to the constitution of the Exchequer Loan Commission, and as to the danger of Parliamentary interference with their proceedings. But the present Bill did not in the slightest degree vary the conditions upon which advances were made by the Commissioners. It was purely an enabling Bill, and did not touch the discretion exerercised by the Commissioners under the existing general Act. The special circumstances which had induced the Government to introduce the Bill might be shortly stated. By the Exchequer Loan Act the Commissioners were prohibited from making advances, whatever the security might be, in cases where the applicants had not Parliamentary power to borrow from them. In the Dunbar Harbour Act the borrowing power of the trustees was limited to £5,000, but a sum of £20,000 was required to repair the harbour. The Exchequer Loan Commissioners were satisfied with the security and were ready to lend the money, but in consequence of the technical difficulty which he had mentioned they were not at liberty to advance £20,000 to a body which Parliament had not empowered to borrow to that extent. Hence the present Bill. He knew the strong necessity which existed for the construction of a harbour of refuge either at Hartlepool or at some other point upon that coast. An application had been made to the Exchequer Loan Commissioners for the purpose, and under the circumstances stated by the right hon. Baronet, and one of his objects in moving for the Committee which was now sitting on harbours of refuge was to determine what ought to be done with that and similar applications. It was for this reason that the Treasury and the Exchequer Loan Commission had held back and not from any hostility to the application. As to Dunbar, there were two harbours, one of which had been constructed by the Fishery Board, and very badly constructed. In consequence of the faulty construction the sea last winter broke down one-half of the pier, and unless something was done during the present autumn to secure and strengthen the walls there was a risk that the whole would be broken next winter, and 400 or 500 fishermen would be thrown out of employment. The corporation applied to the Government to authorise them to ask for a Bill for the purpose of raising the money. This the Government refused, and referred the corporation to the Exchequer Loan Commissioners, and the loan would have been granted but for the single defect in the title. The harbour had originally only cost £14,000—it was a pity that it had not cost more—it would have been now in a very different condition. It was only last week that they were aware of the technical defects of the title, and therefore it became necessary to apply to Parliament for a Bill to remove them. The hon. Gentleman (Mr. A. Smith) said that this application would bring in many others. But there was daily application of this sort, and it was the special object of the Exchequer Loan Commissioners to supply them. The Commission was satisfied as to the security. The Bill was drawn by its own solicitor, and all they wanted was to remove the technical objection. He hoped the urgency of the case would be an excuse for the late introduction of the Bill.

Mr. HENLEY said, that the explanation of the hon. Gentleman was not at all satisfactory. It appeared that an accident had happened at Dunbar, and on the representations of parties, who pretend to represent the inhabitants, and without their opinion having been taken on the subject, the Bill was brought in to remedy the private Act, which only permitted a loan of £5,000 on the security of the rates, so as to enlarge this borrowing power. Now, if they were to take upon themselves to enlarge all the borrowing powers of railway and private Acts, there was no knowing where they were to stop. The effect of the Bill would be to increase the rates and taxes of the place until the larger sum was provided for. It was laying down a dangerous course of proceeding, and ought not to be done as a public Bill. The matter could not now be properly investigated. The private parties on whom the rates are levied might reasonably complain, and might come next year and ask for a revision of the Bill. Under these circumstances, he almost felt inclined to move that the Bill be read a second time that day three months.

The CHANCELLOR of the EXCHEQUER said, as he understood the matter, the corporation of Dunbar had power under the Act to borrow £5,000 and an additional or general power under their Act of Incorporation to borrow money to be secured upon the rates. If the corporation had been able to find any insurance company to advance them money at the same rate of interest as was charged by the Exchequer Loan Commissioners they might have borrowed the money of them, which would in effect lead to a perpetuation of the rates. However, not being able to find any private persons to advance the money, they came to the Commissioners, and he could not see that in so doing the objection which the right hon. Gentleman had raised would apply.

Sir HENRY WILLOUGHBY said, it appeared to him that they were asked to advance £20,000 upon very doubtful security. He had visited Dunbar and knew that there was very little trade attached to the place, and the only security would be the dues levied upon herrings and lobsters. Moreover, he understood the rates were already mortgaged to the extent of £5000. He would like to know the amount of the charges upon the corporation funds and also the amount of those funds themselves.

Mr. CARDWELL said, he thought a

very important question had been raised by the observation of the right hon. Baronet (Sir Henry Willoughby). If the tolls were already charged the effect of passing this Bill would be to create a prior mortgage to the extent of £20,000, and that, he thought, ought not to be done in the absence of the parties who would be affected by it.

Sir FRANCIS BARING remarked, that he wished for an explanation of an apparent discrepancy. It had been stated that the Commissioners had declared Dunbar Harbour to be in a state of dilapidation, and that the sum of £6,000 would be required for its repair. The sum in the Bill was £20,000, and he wanted to know the reason for the increase in the amount? If the Bill were passed the Exchequer Loan Commissioners would offer no opposition to advancing the money, for they would regard the application, not as coming from private parties, but as made with the sanction of Parliament.

Mr. WILSON begged to be allowed to say a few words in answer to the various objections that had been raised. The observation that the Exchequer Loan Commissioners would view an application made under this Bill as one sanctioned by Parliament would apply to every case, for the Commissioners would not lend money unless Parliament had previously given power to charge it upon the rates. With respect to Dunbar itself, as far as his information went, he believed there was not a single mortgage upon the harbour; but he would undertake before the Bill passed to make inquiries, and if it should appear that there was a single existing charge he could assure the House he would be no party to proceeding with the measure. With regard to the difference between the original estimate of £6,000 and the sum now asked for, he would remind the House that the first estimate was made by Commissioners who were not engineers, but since then further dilapidation had taken place which would render the larger sum necessary according to the opinion of Mr. Stephenson and the Fishery Board of Scotland. He could only add that, as to the security of the loan, the Exchequer Loan Commissioners had already investigated that matter for themselves.

Bill read 2°, and *committed* for *To-morrow* at twelve o'clock.

SUPPLY.

Order for Committee read.

The CHANCELLOR of the EXCHEQUER expressed a hope that hon. Members who had notices of Motions upon the paper as Amendments upon the Motion for going into Committee, would postpone them until some future opportunity, of which there would be many. The Order for Supply stood high in the list, but in deference to the wish of the House, the Government had permitted the other Orders to be disposed of first, and therefore he trusted the House would now proceed at once to consider the remaining Estimates.

Mr. BUCHANAN inquired whether the Insurance Companies Bill would come on after supply?

The CHANCELLOR of the EXCHEQUER: No.

General PEEL: When will be the next Supply day?

The CHANCELLOR of the EXCHEQUER: I believe Monday.

Mr. BERESFORD HOPE said, that he had given notice of a Motion on going into Committee of Supply, for an Address praying for an inquiry on the subject of the site and plans for the proposed new public offices. This was a matter of great importance, and especially to the Government. He hoped that if he waived his right upon this occasion, some night would be fixed when the subject could be fully discussed.

ARTILLERY FOR INDIA.

OBSERVATIONS.

Colonel NORTH said, he would take that opportunity of expressing his great surprise at the answer which had been given to his hon. and gallant Friend the Member for Greenwich (General Codrington) relative to the horse artillery proceeding to India. He understood that answer to be that only 140 men per troop were to be sent out to India, instead of 253 men, which was the full complement; and that was in consequence of the requisition of the East India Company being limited to a certain number of men. Now, he could not help thinking it was the duty of the noble Lord at the head of the War Department, in answer to that application, to have said, "You shall have any sufficient quantity of horse artillery that you may require, but I will not reduce a troop by a single man if it tends to impair its efficiency." He should like to know what were the number of guns to be attached to each troop in the field? Were they to be six, four, or three? for he wished to warn the Government that the most expensive force that could possibly be maintained in war was an undermanned artillery. The noble Lord the Secretary for the War Department ought to be the Guardian of the honour and reputation of the officers of the army. Well, but would he say that the honour and reputation of officers were not at stake when they went into action at the head of inefficient troops? Did he suppose, for example, that Colonel Maude, whose personal gallantry and the efficiency of whose troop of horse artillery in the Crimea had so attracted the admiration, not alone of our own army, but of our gallant allies, if he were to proceed to India under such circumstances would he not be endangering his great reputation? He had no doubt it either behoved the Minister at War to require that the troops should be sent out in an efficient manner or to refuse them altogether. He must also ask whether it was the intention of the Government, considering that two additional cavalry regiments were under orders for India, to reinstate the cavalry regiments at eight troops per regiment. That step would be a most proper one, as it would recruit the strength of that arm, and at the same time, amongst its other advantages, an opportunity would be afforded to the Government of doing justice to the officers who had been reduced to half-pay upon the termination of the late war.

Sir JOHN RAMSDEN said, that in the answer which he had given to the question of the hon. and gallant Member, he had stated the reason why the particular number of men had been ordered to India; but he must add that since that arrangement had been made, a further requisition had been received from the East India Company, but he was not able to say whether the requisition would interfere with the arrangement previously effected. He believed, however, although he could not undertake to speak positively, that the strength of the Horse Artillery would be increased in consequence of that requisition.

Colonel NORTH observed, that he begged to give notice, that unless each troop of horse artillery was strengthened according to the requirements of the crisis, he should again direct the attention of the House to the question.

Lord ADOLPHUS VANE-TEMPEST thought, before going into Committee of Supply, the Government ought to inform the House when a statement would be made of the measures which had been taken to meet the existing crisis in India.

Colonel North

He had inquired several weeks back what preparations were being made, but received no satisfactory reply, and what he had heard that day strengthened his conviction that further information should be given by the Government. The House had just heard that a troop of the Royal Horse Artillery was about to be sent to India 100 men short of its proper complement, because the East India Company objected to the expense. Then, again, about three weeks ago the noble Lord at the head of the Government said he saw no necessity for calling out the militia, and yet a night or two since a Bill had been introduced in another place which was intended, as had been truly observed by a noble Lord, to enable the Government to do now what they said was unnecessary a fortnight before. The country knew nothing of the measures which were contemplated nor of the arrangements that had been made to insure a proper and harmonious working of the complicated system of departments. Complaints were made during the Russian war of the division of authority in this country, but upon the present occasion matters were still worse. It was true the Ordnance Department had been abolished, but there remained the War Department, the civil branch of the War Department, the Board of Control, and the Court of Directors. He also wished to know what steps were being taken to recruit the army; whether additional bounty was to be given, as there was at present a difficulty in obtaining recruits in consequence of the treatment the soldiers received at the close of the late war, and whether it was intended to provide the troops in India with clothing fitted for so hot a climate, or were the men to wear the same dress there as they had been accustomed to wear at home? Those were important questions, which the country was anxious should be answered, and he hoped the Government would not decline to give the requisite information.

Colonel SYKES, on behalf of the Court of Directors of the East India Company, said, that he could assure the House they would not spare any expense to put down the revolt in India, and to restore peace to that important territory.

Mr. W. VANSITTART said, he had intended to ask a question of the right hon. Gentleman the President of the Board of Control, but as he was not in his place, perhaps some other member of the Government could give an answer. The question was a very simple one, nevertheless, relating as it did to India, it was important. He wished to know whether any steps had been taken to send out troops to the Presidencies of Bombay and Madras to replace the regiments which had been so properly sent from those Presidencies by the Governors to Bengal and the North Western Provinces. If no answer was given, he should repeat the question on the Motion for the adjournment of the House on Friday.

Lord JOHN MANNERS said, he thought there was no reason for complaint on the part of the Government if hon. Members should persist in bringing on Motions which appeared on the paper, because the Order for Supply had been put down with scarcely any previous notice.

Mr. DISRAELI asked when the militia Estimates would be taken?

The CHANCELLOR of the EXCHEQUER said, he regretted that he was unable to give an exact answer at present, as much would depend upon the progress made in Supply that day. There would be, probably, a Committee of Supply on Monday, but he could not say positively. He might add that the Divorce Bill would be the first order to-morrow.

Mr. MALINS suggested that the Probate Bill should not come on until Friday.

The CHANCELLOR of the EXCHEQUER observed, that he understood that to be the arrangement of the Attorney General.

Motion *agreed to.*

SUPPLY.—MISCELLANEOUS ESTIMATES.

House in Committee.

Mr. FitzRoy in the Chair.

(1.) £2,000, Board of Manufacture in Scotland.

Lord ADOLPHUS VANE-TEMPEST said, he thought it his duty to insist upon receiving an answer to the question which he had addressed to the Government relative to the clothing of the troops sent out to India. He should move that the Chairman report progress unless his question was answered.

The CHAIRMAN pronounced the noble Lord to be out of order.

Vote *agreed to,* as was also,

(2.) £5,000, Highland Roads and Bridges.

(3.) £10,000, Slave Bounties, &c.

Sir FRANCIS BARING said, he wished te inquire what amount was in hand of the £12,000 granted last year? He understood £2,000 of that Vote, only, had been spent.

Mr. WILSON said, that not having had notice of the question, he was sorry that he was not able to answer it. Moreover, the matter more particularly belonged to the Foreign Department. The present Vote was the estimate for the current year.

Sir GEORGE PECHELL observed, that he thought the hon. Gentleman ought to have been prepared with the necessary information to reply to the question which had been asked. The discussion which took place a few nights since might have been satisfactory to new Members, who believed in the virtue of an Address to the Crown, but it had not been so to himself. He had no faith in any good result being obtained from the remonstrances of our ambassadors at Madrid, unless they were followed up by stringent measures for the suppression of the slave trade. If it was true that only £2,000 had been expended in bounties, last year, it showed how little had been done, and how utterly insufficient our naval force in those seas was to check the traffic. He could not understand why it was, but the Government always seemed afraid to deal with the strong hand in this matter, although it was obvious that no other mode would be effectual. Could the hon. Gentleman say for how many slaves bounty had been paid upon during the year?

Sir HENRY WILLOUGHBY said, the House appeared to pass their Votes rather blindly. In 1855 and 1856. £12,000 was voted each year, and now £10,000 was asked for. He would beg to inquire how much of the money voted in the last two years had been drawn out of the Exchequer, how much had been expended, and, if the whole had not been expended, where the balance now was? He believed there was enough money now in hand to render the present Vote unnecessary.

Mr. WILSON said, he would have made the inquiry if notice had been given him, but he was not able to answer offhand. He would lay on the table a statement of the details for which the hon. Member for Evesham (Sir H. Willoughby) had asked, and that would show the amount which had been paid. The money could only be applied to the purpose for which it was voted.

Sir HENRY WILLOUGHBY remarked, that he was not sure of that, and would like to have an assurance from the hon. Gentleman that it had been applied to no other purpose.

Mr. WILSON replied, that he was certainly not aware of any appropriation of the money to any other purpose than that for which it had been voted.

Vote *agreed to,* as were also the following Votes:—

(4.) £1,300, Law and Institutes of Ireland Commission.

(5.) £9,000, Process Servers in Ireland.

(6.) £65,000, Pensions under Merchant Seamen's Fund Act.

(7.) £1,593, Registration of Joint Stock Companies.

(8.) £1,783, Registration of Designs.

(9.) £40,000, Treaties of Reciprocity.

(10.) £4,500, Inspectors of Corn Returns.

MR. STAFFORD said, he had to make the same statement on this Vote that he made some nine or ten times before. He protested against the expense incurred on account of corn returns which were utterly valueless. A quarter of corn was sold at one place, put down at one price; taken to another place, not ten miles off, perhaps, and there put down at a different price. The result was, that, as a criterion of prices, the returns made by these inspectors, which originated under the Corn Laws, were notoriously fallacious, and nobody engaged in agriculture believed in them. It was perfectly well known that they gave no information whatever as to vast quantities of corn that were sold throughout the country, and, therefore, the expense incurred was literally thrown away. Time after time, this had been admitted, and the Secretary to the Treasury had promised that something should be done in the matter; but here the old Vote was again proposed.

THE CHANCELLOR OF THE EXCHEQUER said, the system was first introduced with reference to the Corn Laws, and the object of the returns was to regulate the intercourse between this and foreign countries, with respect to the important article of food. At that time these returns were an object of great national importance, but the repeal of those laws rendered them unnecessary for their original purposes, and they were now kept up only with a view to the regulation of the tithe averages. That object was attained with sufficient accuracy under the system, though, certainly, the returns did not give anything like complete information as to all the purchases and sales of corn effected in the kingdom. So far, however, as regarded the average price of corn, they were sufficient to secure an accurate result.

MR. DRUMMOND said, it was admitted the returns were fallacious. Somebody, therefore, must be cheated. Whether was it the parson or the landlord?

THE CHANCELLOR OF THE EXCHEQUER rejoined, that he had stated that the present system did not give a complete return of the sales of corn throughout the kingdom, but that it answered the purpose for which the returns were now obtained. It gave sufficiently accurate information as to the average price of corn to form a standard for the regulation of tithe averages.

Vote *agreed to;* as were also the following:—

(11.) £20,000, Distressed British Seamen Abroad.

(12.) £3,600, Quarantine Arrangements.

(13.) £11,850, Revising Barristers.

(14.) £2,892, Constabulary Police at Aldershot.

(15.) £2,000, Inspection of Burial Grounds.

On Vote of £6,679 for Embassies,

MR. WISE said, that this was an increased and increasing Vote. Having made an outlay of £177,320 on the embassy house, the Committee was required to assent to an annual expenditure of £5,675 for repairs, ordinary works, and rates and taxes. The French Government had proposed that the English Government should provide an embassy house in London for the French representative, and that the French Government should provide a residence in Paris for the English Ambassador, and considering that the embassy house and gardens at Paris were worth from £20,000 to £130,000, and that it cost some £3,000 a year to keep it, he thought it bore the aspect of a beneficial proposition. Notwithstanding, that £8,320 in 1843, £3,892 in 1844, £9,213 in 1853, and £5,078 in 1856, had been expended on the Ambassador's house, and that £2,725 was now required, he had been informed that the building was in such a state that £18,000 or £20,000 might be spent upon it now with propriety. He wished to know why this large sum was required, and what prospect there was of this expenditure being reduced? It would be better to sell this property and give the Ambassador a round sum, say £3,000 a year, to provide a residence for himself, than to keep up the present expensive house at Paris. At St. Petersburgh we allowed £1,000 a year, and at Vienna £900 a year to our Envoys for residences, and he thought the same system might be followed at Paris. At Constantinople it was no doubt necessary to have a house, for it differed from Paris, but still there was great room for economy. The embassy house at Constantinople cost £90,000. In 1855 the amount voted for its maintenance was £1,183; in 1856, £1,020; and this year there was a sum of £2,950 put down for ordinary works, repairs, &c. He hoped some explanation would be given on this head, and that the Chief Commissioner of Works, who he was aware looked to these things himself, would be able to effect a reduction for the future. Knowing what embassy houses cost at Paris and Constantinople there was one item in the present Vote that he confessed considerably alarmed him. He observed that the Government contemplated, or at least had been making inquiries relative to the purchase of a house as a residence for the Embassy at Madrid. Now, he would be most unwilling to encourage in any way the purchase or erection of an embassy house at Madrid. It would be much better to make a handsome allowance to the Ambassador for a house than to encumber ourselves with another expensive establishment of that kind. There was an item of £289 for remuneration to an architect who was employed at Madrid to survey and report on two offers — one having reference to a house and the other to a site for an embassy, but he hoped his right hon. Friend would be able to say that this was some old arrear, and that there was no intention to proceed to the erection of any embassy house at Madrid.

SIR BENJAMIN HALL said, he would answer his hon. Friend's question with reference to Madrid first. As to the item of £289, he had to state that a committee was appointed to inquire into the expenditure at Madrid and into the charges of M. Albano, the architect employed at Madrid. During the sitting of the Committee last year, he (Sir B. Hall) stated that in consequence of the staff of the Office of Works having been remodelled he did not think it would be necessary to require the services of M. Albano again. There was not any charge on his account subsequent to that period, the sum of £289 having been incurred antecedently to the sitting of the Committee. With regard to the apprehensions of his hon. Friend as to the erection of an embassy house at Madrid he had to state that he had no intention of advising the Government to build such a house at Madrid. He was quite aware of the expenditure that had been incurred at Constantinople in purchasing a house, and also at Paris, where the house was in a very unsatisfactory state, and therefore he would not be very ready to advise the Treasury or Parliament to take the same course at Madrid. With regard to the embassy house at Paris he had looked into that matter himself. He went to Paris and examined the house, and found it very much out of repair. He also desired the Surveyor of Works to go to Paris and look into the condition of the house. When his hon. Friend (Mr. Wise) said £18,000 or £20,000 might be expended upon the building he was not far from the truth, for after a careful survey it was found that it would require £18,000 to put it properly in repair. The call made upon the House, however, was for a sum of £2,300, and that was not all for repairs, a portion being allotted to the payment of insurance, water rates, and other items. With regard to Constantinople, he would only say that he had done all he could to keep down the expense, but the Committee must see that from a variety of circumstances the expenditure in that city must necessarily be considerable.

MR. P. O'BRIEN asked whether it was the intention of the Government to purchase a house at Madrid?

SIR BENJAMIN HALL said, he was not aware of any intention at present to propose the erection of an embassy house at Madrid. It was very probable that during the recess he might send an officer from his department to inquire into the state of the case.

MR. NICOLL said, he did not think the explanation given at all satisfactory, and he should therefore vote for the rejection of the Vote on the ground that the ambassadors should pay for their own houses.

THE CHANCELLOR OF THE EXCHEQUER said, he could assure the Committee that everything in the power of the Government would be done to reduce these Estimates. They were aware that the salary of our Ambassador at Paris was arranged on the understanding that his house and office should be maintained at the public expense, and that the charges for insurance and local taxes should also be paid by the public. The expenses of the ambassadorial establishment at Constantinople was likewise paid by a Vote of that House, and if these expenses were thrown on ambassadors a necessity would arise for revising their salaries and allowances. In that case it would be necessary to ask the House to vote in another form the sums which were now proposed in the Estimates. Under all the circumstances, he thought the present the most direct mode of proceeding.

In reply to Sir FRANCIS BARING,

SIR BENJAMIN HALL said, he had stated to the House that he could not at present advise the purchase of an embassy house at Madrid, but that during the recess he should send an officer to inquire into the state of the case. Of course, nothing could be done till the matter came before the Treasury and that House.

MR. DRUMMOND had reason to know that the salaries of our ambassadors both at Vienna and St. Petersburg were very much below what they should be; and the public interests suffered from that circumstance.

LORD JOHN MANNERS remarked that he did not discredit the statement made as to the unsatisfactory condition of the embassy house at Paris, for when he was in the office now held by the right hon. Baronet his attention had been drawn to it, and the wonder was that the house had remained above ground so long. A great expenditure had been incurred to put it in a creditable state of repair; but he was only afraid that every year such repairs would be declared necessary, and a large expense incurred.

SIR HENRY WILLOUGHBY said, he wished to know if he correctly understood the right hon. Baronet to say that no contract would be entered into for the purpose of an embassy house at Madrid without reference being first made to the Treasury and to Parliament. Ought not the reference to Parliament to come first?

SIR BENJAMIN HALL: Of course nothing could be done without reference to Parliament; but if anything was to be proposed, the proposition must be made in the first instance to the Treasury before it could be submitted to Parliament.

MR. TATTON EGERTON said, he would remind the right hon. Baronet that this would not be the first time that an arrangement implying outlay had been come to by the Treasury without applying to Parliament. He might specify the recent improvements in the Park, where the money was spent first, and Parliament applied to afterwards.

The Chancellor of the Exchequer

Vote *agreed to;* as were also the following:—

(16.) £6,679, British Embassy Houses, &c.

(17.) £1,053, Professors in University of Cambridge.

(18.) £13,730, Incumbered Estates Commission (Ireland).

(19.) £37,060, Lighthouses Abroad.

(20.) £5,000, Exploring the Region of British North America.

(21.) £19,325, Expedition to the Niger, &c.

(22.) £1,000, Orange River Territory (Cape of Good Hope).

(23.) Motion made, and Question proposed,—

"That a sum, not exceeding £40,000, be granted to Her Majesty, to defray, in the year ending the 31st day of March, 1858, the cost of executing Public Works, maintaining Educational and Benevolent Institutions, and promoting Civilization among the Native Tribes in South Africa."

MR. STAFFORD said, he wished to ask for an explanation of this Vote.

MR. FORTESCUE said, this sum had been spent by the Governor of the Cape Colony, Sir G. Grey, according to a scheme which would be found in a paper printed with the Estimates of 1855. The objects on which it had been spent were numerous—the employment of natives on public works, the payment of magistrates to administer English law among the native tribes, gratuities to native chiefs who were willing to co-operate with the Governor in maintaining order among their people, maintaining hospitals for the native sick, and the establishment of industrial schools. The Governor had been most successful in accomplishing the ends for which he had asked this Vote. He had averted a Kaffir war, he had maintained peace on the frontier, and he had brought the colony to such a secure condition that it was confidently anticipated that he would be able to spare troops from the Cape to reinforce our army in India in the present moment of necessity.

MR. STAFFORD wished to know whether any despatch had been received showing in detail the manner in which the Vote had been spent?

MR. LABOUCHERE said, he had not received any such account at present, but he had written to the Governor desiring him to forward an account to the Home Government, and he had no doubt that it would be sent in due course. Nothing could be more satisfactory than the condition of the Cape at the present moment, and it was due to that distinguished man who was now the Governor, to say that this state of things was owing almost altogether to the energy and ability with which he had administered the affairs of the colony. He had confronted and baffled the danger of an impending Kaffir war, and he had succeeded in keeping the natives in such a peaceable condition that a very considerable portion of the large military force which had been collected for the defence of the colony was available for the purpose of reinforcing our Indian establishment. He had just received the following despatch from Sir G. Grey:—

"Cape Town, June 8, 1857.

"Sir,—A good opportunity offering of communication with England, I think it may interest you to hear that affairs upon the frontier and in Caffraria continue in the most satisfactory state, and that I have no doubt that, if the measures in progress are consistently persevered in, it may now be said that our way to the final settlement of the difficulties which so long prevailed in this country can be distinctly seen. The Colonial Parliament is still sitting; but the Session is now drawing near its close. The several measures brought forward by the Government have all been passed, either as proposed or with slight modifications; and ample supplies have been most cheerfully voted for the public service, including a vote of £50,000 to be expended in the current and ensuing year in introducing European immigrants into this colony. I think I am justified in saying that the colony of the Cape of Good Hope and British Caffraria are, at the present moment, as flourishing and contented as any part of Her Majesty's dominions.

"I have, &c., G. GREY.

"The Right Hon. H. Labouchere, M.P., &c."

By means of this Vote Sir G. Grey had been able to effect a great deal of good. He had kept the natives quiet, and by giving them employment he had saved many of them from starving when the murrain destroyed their cattle in such great numbers.

SIR HENRY WILLOUGHBY said, that this grant appeared to him to be an extraordinary one. He wished to know if the right hon. Gentleman had received any answer to his despatch of January last, inquiring of the Governor General how this money was expended? He (Sir H. Willoughby) also asked whether the Government were prepared to tax the country year after year for money to civilize the tribes? He would not grudge the money if he thought that it would do any substantial good. But if it were intended to saddle the country permanently with this Vote he should certainly oppose it.

MR. HENLEY said, he was afraid from the words read by the Colonial Secretary from the Governor's despatch — "if the measures now in progress are consistently persevered in" that it was intended to continue these Votes, and he hoped some assurance would be given that that was not the case. He for one protested against being drawn into the payment of black mail to the amount of £40,000 a year to keep the peace at the Cape.

SIR JOHN TRELAWNY had such a strong objection to the Vote that he should divide the Committee against it.

MR. TATTON EGERTON said, he also was afraid that the Governor's despatch did not hold out much hope of a diminution of the Vote.

MR. LABOUCHERE said, that the Governor did not at all contemplate that this would be a permanent Vote. He had expressed a hope in a late despatch that the revenue of the colony would be speedily in such a flourishing condition that some portion of this Imperial Vote at least might be dispensed with, and he had pointed out various accidental and extraordinary causes which had led to a temporary impoverishment of the revenue.

MR. DE VERE asked whether any portion of this Vote had been devoted to missionary purposes?

MR. FORTESCUE said, that part of this Vote had been applied to the establishment of industrial schools, in which good work the missionaries had co-operated, and the only capacity in which the missionaries, so far as he knew, could have received any of this Vote would be as managers of industrial schools.

SIR JAMES GRAHAM said, that though he intended to vote in favour of this Vote, it was upon the distinct understanding that he was not pledged to support any similar proposal next year. When the grant was first proposed it was stated that it would be asked for three successive years, and this was the third year. He had the utmost confidence in the abilities and prudence of Sir G. Grey, and he thought the country was under infinite obligations to him for the manner in which he had surmounted the difficulties with which he had to deal both in New Zealand and the Cape Colony; but at the same time it could not be denied that payments of this kind, though they might be more peaceful means of keeping the natives quiet than the use of arms, were yet of a very questionable nature. As a Borderer he had a sort of hereditary right to know the nature of these payments, and they were after all nothing better than black mail paid to purchase peace. That was not a system which ought to be countenanced by this country. The Governor himself had stated that there was no colony which was in a more satisfactory state, and under these circumstances he could see no pretext for continuing a Vote of this description in future years. He was not exactly satisfied with a passage in the right hon. Gentleman's despatch to Governor Grey on this subject, where he said,

> "This liberal assistance having been readily voted by Parliament, I hope it will be in your power to report that a smaller sum will suffice in the next ensuing year."

That clearly showed that the right hon. Gentleman did not contemplate the discontinuance of this grant, but merely its reduction.

Lord JOHN MANNERS said, he had a lively recollection of the large amount of money which we had to pay for putting an end to the Kaffir war. If then by continuing the Vote for another year or two they could ensure the permanent peace and contentment of the colony, he should not certainly be one to discourage such an experiment.

Mr. LABOUCHERE said, he had no wish to consider any hon. Member who supported this Vote this year pledged to support it next year. At the same time a system of this kind could not be suddenly stopped. He should be glad to refrain from asking for a similar Vote to this next year if he found such a course consistent with his sense of duty. At the same time there might be events—a rising of the Kaffirs for instance—which might render it necessary to give assistance to Kaffraria which the rest of the colony did not need, and therefore he must hold the Government entirely free to propose a Vote next year of a similar description, though it might be of a smaller amount, if it should seem necessary to them in the exercise of their discretion. It would be seen by a reference to Sir G. Grey's despatch that it was not originally contemplated that the grant would be discontinued after three years, but that it would be reduced from the amount of £40,000 at the end of that time, and afterwards annually diminished.

Mr. HADFIELD said, he should oppose the Vote. He wished to know what missionary societies received assistance from

this Vote? He believed that the reception of Government assistance was a sure move to ruin any such society.

Mr. LABOUCHERE said, he was not able to furnish any precise answer on the point. He believed that the only assistance given to the missionaries was by appointing them to superintend the industrial schools which Sir George Grey had thought it desirable to establish throughout the country.

Mr. BONHAM-CARTER remarked that he agreed with the noble Lord (Lord J. Manners) that it was much better to spend £40,000 a year in raising a barrier of civilization against the incursions of the Kaffirs, than to have to pay £1,000,000 or £2,000,000 now and then for the expenses of a Kaffir war. At the same time he thought the Vote should be gradually reduced.

Question put.

The Committee *divided*:—Ayes 135; Noes 6: Majority 129.

Vote *agreed to*; as was also

(24.) £5,580, Pitcairn Islanders Removal.

(25) £7,550, Agricultural Statistics in Ireland and Scotland.

Mr. STEUART said, he wished to call attention to the fact that the expense in Scotland was about £1,000 more than in Ireland. He recommended the application to Scotland of the system of collecting these statistics by means of the constabulary, which obtained in Ireland.

Mr. WILSON said, he would remind the hon. Member that in Scotland the police at present received no payment from the Government. The country was greatly indebted to the Highland Society for the trouble which they took in collecting these statistics.

Colonel SYKES said, he would be glad to see a similar Vote for England. He hoped that the time was not far distant when the farmers, less mystified than they were at present, would see that the collection of these statistics was as much for their interest as for that of the public.

Mr. BAILLIE said, he did not think that much reliance could be placed on the Scotch Agricultural returns collected by the Highland Society. They did not give more than a general idea of the produce of the country.

Colonel SYKES said, that in the infancy of inquiry they could not obtain perfection, but as they proceeded the results would improve.

MR. DRUMMOND thought that it was not the farmer, but the British public, which was mystified. These were not agricultural statistics, they were agricultural deceptions, and not of any use to a single man, woman, or child.

MR. PACKE said, that so far as his experience went, the farmers were greatly opposed to the collection of these statistics.

MR. DE VERE thought that although the Irish statistics were collected cheaply they were not collected well.

Vote *agreed to.*

(26.) £6,000, Freight of Specie.

SIR GEORGE PECHELL said, that some of this money was conveyed by Her Majesty's ships of war, and the parties in those ships were no more justified in charging for the conveyance of this money than a gentleman's coachman was to charge for carrying parcels to his master's house.

Vote *agreed to.*

On the Vote of £2,000 towards the formation of the Gallery of Portraits of the most eminent persons in British History,

MR. CONINGHAM said, he rose to oppose the Vote, not because he objected to the formation of a gallery of portraits of distinguished persons, but because he objected to the establishment of such a gallery with a separate staff in a building in Great George Street, Westminster, instead of allowing it to form part of the National Gallery in Trafalgar Square. Sir Charles Eastlake, the director of that Gallery, was a great pluralist. He had £1,000 a year for that office, £500 as Secretary to the Fine Arts Commission, and £300 as President of the Royal Academy. With all these duties to perform he could not have much time to devote to the National Gallery. He had a clerk at a salary of £750 a year, whose duties could be as well performed, under efficient superintendence, by an ordinary clerk receiving only £150 per annum.

MR. TATTON EGERTON rose to order. The question before the Committee had nothing to do with the salaries of the officers of the National Gallery.

MR. CONINGHAM thought that he was quite in order. It was very desirable that the Committee should ascertain whether it was necessary to set up a new establishment in Great George Street when they had ample machinery for the formation and management of this gallery in Trafalgar Square. The system of having a body of irresponsible trustees, which had been abandoned with regard to the National Gallery, was proposed to be restored in the case of this gallery of portraits, and among the list of names was that of Sir Charles Eastlake and of a noble Marquess who was one of the principal delinquents in the purchase of the Holbein portrait. No responsible officer was appointed, and the inevitable result would be that pictures of the most worthless description would be foisted upon the public as original and valuable gems. Already there had been admitted a portrait given by the late Lord Ellesmere, which he would stake his reputation as a judge of works of art would not by competent judges be estimated at £10. He objected to the gradual dotting over of the West of London with archæological collections, collections of pictures, collections of crockery, of furniture, and of all sorts of *rococo,* and he was sure that if the House did not make a stand against a system which was pursued with a view to create places for foreigners and Englishmen, but principally the former, there would be a general outcry in the country against it. If he received any encouragement he should divide the Committee against this Vote, and he should certainly next Session take some very decisive steps to put a stop to this extravagant system of expenditure, which was attended with very small results, and was calculated rather to deteriorate than to improve the public taste.

THE CHANCELLOR OF THE EXCHEQUER said, he was ignorant of what decisive steps the hon. Member was going to take to put an end to the expenditure of which he disapproved, but he apprehended that no such steps would be of any avail unless the hon. Gentleman could induce the majority of that House, by whose decision he (the Chancellor of the Exchequer) was prepared to abide, to support him. He was sorry to have heard a renewal of the attacks upon Sir C. Eastlake in which the hon. Gentleman had indulged on a former occasion, for it was his opinion that Sir C. Eastlake was a most accomplished man, and had performed his duties to the public with great ability and with great assiduity. The gallery to which this Vote was to be appropriated originated in an Address to the Crown which was agreed to last Session by the House of Lords. Its object was different from that of the National Gallery, because while the latter was a collection of pictures valuable as works of art, this was to be a gallery of portraits which might throw light upon the history of the country, and which would be chosen on that ground, and not with reference to their artistic excellence. He was at a loss to understand the hon. Gentleman's reference to the number of institutions in the west of London. The collections which used to be at Marlborough House having been removed, he knew of nothing to which the remark could apply except the National Gallery of Pictures.

Mr. SPOONER said, he should certainly divide the Committee against the Vote. This was an object for which he did not think it fair to tax the labouring classes from one end of the country to the other.

The hon. Member was addressing the House at a quarter to six o'clock, when the debate was, owing to the Standing Order, suspended, and the House resumed.

Resolutions to be reported *To-morrow.* Committee to sit again on *Friday.*

OATHS TAKEN BY MEMBERS.

On the Motion of Sir John Buller, (for Sir Frederic Thesiger), Lord John Manners was added to the Committee.

House adjourned at seven minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, August 6, 1857.

Minutes.] Public Bills. — 1ª Burial Acts Amendment; Illicit Distillation (Ireland); Summary Proceedings before Justices of the Peace; Boundaries of Burghs Extension (Scotland); Jurisdiction in Siam.

2ª Militia; County Court Judges (Falconer and Yates's Salaries); Court of Session (Scotland); Charitable Trusts Acts Continuance; Reformatory Schools (Scotland); Superannuation Act Amendment.

3ª Reformatory Schools; Industrial Schools; Parochial Schoolmasters (Scotland); Land Tax Commissioners' Names.

THE KING OF OUDE.—PETITION.

Lord CAMPBELL said, he had just received a petition which he felt it his duty to present, in order that it might be generally known that their Lordships were ready to hear the petitions of all persons who addressed them with proper respect. The petition came from the Queen of Oude, the eldest son, and the brother of the King of Oude. They expressed the deepest pain and regret at the news recently received from the East Indies of the general defection of the Native troops in the Bengal Presidency, and they went on to state their surprise at its being supposed that their relative the King of Oude had been at all concerned in that movement. They denied all complicity in it on the part of the Sovereign, and they said they felt confident from assurances they received from him that he was entirely innocent of the charges brought against him; that all the members of the Royal Family of Oude were faithfully attached to the connection with Great Britain, and that for the redress of any wrongs they thought they had suffered, they only looked to the Queen and Parliament of Great Britain. The prayer of the petition was that it might be disclosed to the King of Oude what charges were made against him, and that they might have the opportunity of proving his innocence and of corresponding with him. The noble and learned Lord said, that as the sentiments set forth in that petition were perfectly respectful, and in every way unobjectionable, he had thought it his duty to lay it before their Lordships, but he felt bound at the same time to state that he had no doubt the Government of India had acted in that case with perfect propriety, and that he had the most entire confidence in their wisdom. It was, at all events, satisfactory to receive that testimony from the Royal Family of Oude of their devoted attachment to this country, and he should rejoice to find that any charges which might be brought against the King of Oude would be proved to be unfounded.

Lord ST. LEONARDS trusted it would not be supposed from the petition being laid on their Lordships' table that any injustice had been done to the King of Oude. He had sufficient confidence in the East India Company and the Government of India not to acquiesce in the assertion that the King of Oude had been improperly treated.

Lord CAMPBELL said, he had guarded himself against being supposed to assent to that assertion when he expressed his confidence that the Government of India had acted with perfect propriety. At the same time he added that all who approached their Lordships respectfully should have the opportunity of being heard. The petitioners expressed the greatest devotion and affection to this country.

Lord REDESDALE rose to draw the attention of their Lordships to the informality of the petition. The word "humble" had been omitted throughout. It was the form that every petition should be described as "the humble Petition" of the undersigned; but from this the word "humble" was omitted. The Queen of Oude and her relatives also closed the prayer of their petition with the word "pray" instead of the words "humbly pray." It was not customary for their Lordships to receive a petition so worded.

Lord CAMPBELL said, that if there were any technicality of that sort in the way of the reception of the petition he would withdraw it.

Petition accordingly *withdrawn.*

THE BANKING BILL.—EXPLANATION.

Lord ST. LEONARDS rose to complain that this Bill had been read a third time rather by surprise on Tuesday last, and that he had been thus prevented from proposing the insertion of two clauses which he thought it of importance to introduce, and of which he had given notice to the noble Lord opposite. One of the clauses which he wished to insert was intended to provide that joint-stock banks should be compelled to publish their accounts, as they were at present, and the other had reference to the bankruptcy of banks in Ireland. He very much lamented that the noble Lord should have hurried the Bill through without a word, although he was aware that he (Lord St. Leonards) intended to take the sense of the House on his Amendments. That was not the mode in which the Government ought to conduct the business of the House. Hitherto there had been but one code applicable exclusively to joint-stock banks; they were now about to sweep away the whole of that law, and to make joint-stock banking companies subject to all the laws and regulations affecting joint-stock companies generally. This was a great alteration to effect by a measure of this nature, and he ventured to say that very few of their Lordships were aware of the nature of its enactments. Under it any seven persons might establish a joint-stock banking company with £100 each subscribed, but not one penny paid. They might advertise themselves as being incorporated under this Act some fine day, and then unfortunate people in all parts of the country would be swindled out of their property, and would be deprived of all those safeguards which they had hitherto possessed.

Lord STANLEY of ALDERLEY said, he would express his regret that the noble and learned Lord should have been prevented from expressing his views on the Bill; but at the same time he must remind the noble and learned Lord that on two former occasions he had postponed this Bill for the noble and learned Lord's express convenience, and that on Monday night he informed him that he could not postpone it any longer, because the Session was getting on, and if these measures were postponed indefinitely from time to time it would be impossible to pass them. With reference to joint-stock banks in Ireland, he told the noble and learned Lord that a clause to effect the object which he had in view had been introduced by the Attorney General for Ireland in the other House, and he stated that if that clause did not carry out to the full extent the wish of the noble and learned Lord, another might be introduced for the purpose. With regard to the other clause he stated that the Bill was intended to assimilate the law with respect to joint-stock banks to the Joint-stock Companies Act of last year, with this single exception, that, whereas joint-stock companies under the Act of last year might be formed with limited liability, banks would continue to be formed, as they had always hitherto been, under unlimited liability. With regard to the publication of accounts, he stated that that was not required by the Joint-stock Companies Act of last year, to which banks were, under this Bill, to be assimilated. He added that he considered the publication of accounts to be a completely fallacious test, and that it enabled the British Bank, the Tipperary Bank, and every swindling concern which had failed of late years, to bear upon their face an assumption of security which it was so far from affording that it only deluded the public who confided in them. On the whole, he thought it desirable that there should be no compulsory publication of accounts, although the shareholders might, if they deemed it advisable for the sake of security, by their memorandum of association, require it as one of the conditions of the company. If it were thought that such publication would add to the security of the concern, and would inspire confidence in the public, no doubt the shareholders and directors of most banks which desired to obtain such confidence would take measures for the publication of their accounts.

MILITIA BILL—SECOND READING.

Order of the day for the Second Reading read.

Moved, That the Bill be now read 2ª.

The Marquess of SALISBURY expressed a hope that every encouragement would be given to enlistment from the militia into the line. He believed that very many militiamen who had served for some years would be extremely glad to seize the opportunity of entering into the army, if proper inducements were held out to them.

The Duke of RICHMOND also thought that every reasonable encouragement ought to be given to enlistment from the militia into the line, if any considerable addition to our present military force should be required. He wished to take that opportunity of suggesting to the noble Lord the Secretary of War the expediency of giving to the commanders of militia regiments the power of re-enlisting militia men whose time was nearly out, before the period of their present enlistment should have expired. If the men whose period of enlistment would terminate in a few months were to receive in the meantime the bounty due to them, a very favourable opportunity would be afforded for securing their services for a further term. It would soon be his duty to attend at the head-quarters of his regiment to pay the balance of the bounty to his men, and he had no doubt if he was authorised he would be enabled to re-enlist a large number whose time would expire almost immediately after, and thus secure the services of trained men. In conclusion, he had to express a hope that if the Government were prepared to encourage enlistment from the militia into the line, militia officers would feel it their duty to promote that object to the utmost of their power.

Lord PANMURE said, he had listened with great gratification to the remarks of the noble Marquess and the noble Duke, connected as they were with the militia, and anxious as they seemed to be to promote enlistment into the line regiments. It was, certainly, most desirable that, at any particular emergency of this kind, as many men as possible should be induced to enter into the regular service. At the present moment, there was some little difficulty in allowing men who had not been six months in the militia, or who had not gone through some degree of training, to volunteer for the line without paying back the militia bounty. His Royal Highness at the head of the army had, however, arranged that any militiamen who had served six months, or who had been out at one training, should be exempted from this re-payment. It was not desirable that raw recruits should pass from the militia into the line. That was not just to the commanding officers of line regiments, and was a thing to be discouraged as much as possible. It was, however, highly desirable to procure men for Her Majesty's service as early as possible, in order to fill up the vacancies occasioned by the departures for India; and the Commander in Chief, therefore, in addition to the ordinary machinery of the recruiting service, had given directions to the permanent staff of the militia to assist, in their various districts, the efforts made to procure men. At this season of the year, he anticipated that, in many counties, they would soon begin to reap the fruits of this arrangement, and as the harvest concluded, he hoped a considerable body of men would be enlisted for the service of the country. With reference to the remarks of the noble Duke, he would look into the militia laws, and would see whether any legal provision was required to enable the colonels to re-enlist men before their time of service expired. He quite agreed that it was desirable to give power to the commanding officers to enter into arrangements with the five years' service men, if they came to receive their bounty, two or three months before the expiration of their term; and if any such provision were necessary, he should not hesitate to ask Parliament to accede to it.

The Duke of CAMBRIDGE: I have heard, with much satisfaction, the sentiments expressed by my noble Friends as to the necessity of giving every facility to volunteers from the militia into the line. That the militia is one of the mainstays of the army in times of emergency like the present, there can be no doubt whatever; and, as the officers in command of militia regiments, whether embodied or not, must have great power over their several corps, it is most gratifying to me to hear my noble Friends, as two colonels of militia, so warmly expressing their opinions in favour of encouraging enlistment into the line. I feel confident that the same feeling will pervade the whole militia force of the country, and I cannot too strongly impress upon all commanding officers of that force the vast importance of encouraging their men to enter the regular service on this occasion. Circumstances of a grave character have called a considerable portion of Her Majesty's forces from this country, and it now becomes our duty to fill up the reserves of the army. No army, however complete and efficient in the field, can be regarded as in a satisfactory position if it has not considerable reserves to draw upon at all times; and this is more especially the case when we remember the climate of India, with which it is peculiarly difficult for Europeans to cope. At the same time, I feel the greatest confidence in the exertions which will be made by the country—exertions which were so conspicuous on a recent occasion, and which, I believe, will certainly not now be withheld. I may also express my cordial approval of the power taken by the Government, in the present Bill, to embody the militia, should the circumstances of the country require it. It is necessary that every one should put his shoulder to the wheel, and I must repeat, therefore, my gratification at the spirit displayed by my noble Friends, and my conviction that every possible support will be afforded us by the country.

THE DUKE OF BUCCLEUCH said, that no one could be more anxious than he was to offer every assistance for the promotion of enlistment from the militia into the line, and he suggested that his noble Friend (Lord Panmure) should, with as little delay as possible, send circulars to the officers commanding militia regiments, stating exactly what would be allowed with regard to volunteers for the line. Definite information of this kind would very much facilitate re-enlistment.

Motion *agreed to.*

Bill read 2° accordingly, and *committed* to a Committee of the whole House, *Tomorrow.*

FRAUDULENT TRUSTEES, &c., BILL.

COMMITTEE.

House in Committee (according to Order).

Clauses from 1 to 11, *agreed to.*

Clause 12, Prosecution under this Bill to be authorized by one of the Judges or by the Attorney General.

THE LORD CHANCELLOR proposed to amend the clause by striking out that part of it referring to the Judges, because it might happen that a trustee, charged with fraud, might be tried before the very Judge who had sanctioned the institution of proceedings against him.

LORD CAMPBELL approved the Amendment, and expressed an earnest wish that, in other branches of the law the sanction of some public officer might be necessary before criminal prosecutions were instituted. He had frequently observed that the most frightful abuses arose from the facilities which were given to private prosecutors, without any notice whatever to the parties accused, to prefer bills of indictment, and immediately to obtain warrants thereon. That was the case, particularly, with regard to charges of perjury and conspiracy. Those indictments were frequently preferred for the sake of extortion. If some public functionary were responsible for the institution of those proceedings, it would be a great improvement in our criminal jurisprudence. He had had a good deal of conversation with the late Attorney General, Sir Alexander Cockburn, on the subject, and his learned Friend had made up his mind to propose a Bill to remedy the evil. He hoped that a Bill of that nature would, ere long, receive the sanction of the Legislature. For the present, he thought it was highly desirable that no person should be liable to any prosecution for breach of trust without the previous sanction of a public functionary.

LORD ST. LEONARDS briefly expressed his concurrence in the Amendment proposed by the Lord Chancellor.

Amendment *agreed to.*

On Question that the Clause, as amended, stand part of the Bill,

LORD WENSLEYDALE moved the omission of the entire clause, because he thought that it would lead to great abuse. By the common law every individual had a right to go before the grand jury and ask for permission to prosecute any one who he thought had inflicted upon him an injury punishable under the criminal law. That privilege was one of the distinctions between this and foreign countries. In them, no criminal prosecution could be commenced without the interference of the Executive, and, therefore, for the accomplishment of party purposes, or for the gratification of individual animosity, the Government and the officers of the Government had ample opportunities. There were no doubt cases in which it was desirable and necessary that the institution of criminal proceedings should be vested in an officer of the Crown; but this Bill did not directly concern the public; it had merely reference to wrongs committed on private individuals. The law relating to trustees was now clearly defined, and no such provision as this was necessary. He therefore hoped that their Lordships would omit the clause.

THE LORD CHANCELLOR said, the great evil which was apprehended from this Bill by the other House was, that while it would punish those who had been guilty of fraud, it would also deter honest men from undertaking the duties of trustees. This objection was intended to be obviated by the introduction of the safe-guard afforded by this clause. It was made a necessary preliminary to the institution of a prosecution for what would constitute an entirely new offence, that the proceedings should have the sanction of a high functionary familiar with the subject, who would see whether the case fairly came within the purview of the law.

Lord ST. LEONARDS, while subscribing to the general views expressed by his noble and learned Friend, (Lord Wensleydale), still thought this clause one which their Lordships might safely adopt. It was a peculiar provision, calculated to meet a peculiar set of circumstances. It would prove to honest trustees that a faithful performance of their duties exposed them to no real danger.

Lord CAMPBELL felt strongly that the case contemplated by the clause justified an exception being made to the general rule. There ought to be some check put upon vexatious and rash prosecutions; and no evil was likely to arise from vesting the proposed discretionary power in the Attorney General. His noble and learned Friend (Lord Wensleydale) seemed to be under unnecessary alarm on this score. At present, no writ of error could be brought without the sanction of the Attorney General, who also had it in his power to put a stop to the execution of the criminal law. If, however, that functionary abused the authority intrusted to him by law for wise purposes, he was liable to be called to account, and even to be punished.

Lord WENSLEYDALE said, he objected to a practice hitherto unknown in the constitution of this country. The offence in question was one committed against a private individual, and why should he be debarred from bringing his case before a grand jury?

Clause *agreed to.*

Amendments *moved* and *negatived.* Amendments made: the Report thereof to be received *To-morrow.*

TRANSFER OF REAL ESTATE SIMPLIFICATION BILL.

ORDER FOR SECOND READING DISCHARGED.

Lord St. LEONARDS said, that he could not expect at so late a period of the Session to be able to pass the Bill into law, but, as he had been somewhat misunderstood when he had addressed their Lordships on a former occasion, he wished in a very few words to state what were the provisions of the measure. He was aware that the noble Lord who had presided over the Commission which had been appointed to inquire into the subject proposed to introduce a Bill next year, founded on the recommendation of that Commission, which was based upon a principle of registration; and a noble and learned Friend of his (Lord Brougham) had somewhat anticipated that measure by himself introducing a Bill which recognized that principle. Now, the object of the present Bill was to render a system of registration wholly unnecessary. The Bill dealt with the present system as regarded perpetuity, and amended and explained the present law. It proposed also to reduce the period of forty years of uninterrupted possession, which the law at present recognized as giving a valid title, to twenty-five years, and it rendered it unnecessary to include in a conveyance abstracts of title for more than forty years back. At present a registered judgment might be executed against a purchaser any time after the purchase had been completed, but he proposed that when there was a *boná fide* purchase no purchase should be attached upon a judgment or Crown debt unless execution issued before the purchase was completed. The Bill proposed that no purchaser should be bound by any engagement of which he had no actual notice. The Bill also provided for the exemption of purchasers from the succession duties, and it enabled trustees to give a perfect discharge to purchasers from any claims upon the property. The last proposition was to make any seller, agent, or solicitor concealing an encumbrance with a fraudulent intent liable to punishment as being guilty of a misdemeanour, and he believed such a provision would be found to operate beneficially. He would therefore move that the Order of the Day for the Second Reading be read in order to its being discharged.

Lord CAMPBELL expressed his general approval of the measure.

Order for the Second Reading read and *discharged.*

SUPERANNUATION ACT AMENDMENT BILL.

SECOND READING.

Lord MONTEAGLE said, that in rising to move the second reading of this Bill, he lamented that a measure of such importance, affecting a large body of the civil servants of the Crown, should excite so little attention and be able to command so small an attendance. He would not say one word as to the merits of that service, for that had been admitted by all their Lordships who had had any official experience, and was admitted in the strongest terms by those whose official experience had been the longest. He was quite sure that the opposition which had been raised to this measure in the other House arose from no wish to undervalue the merits and services of the civil servants of the Crown. In sketching the history of this question the noble Lord said it was a mistake to suppose that the grant of superannuation allowances originated exclusively in a consideration for the civil service. Such a system, in fact, was as important for the interests of the State as for the interests of the servants of the Crown, because if there was no choice between continuing in office men who were worn out and incapable, or condemning them by dismissal to end their days in penury and suffering, the latter painful alternative was frequently rejected even when men were really no longer able to discharge their duties efficiently, and the public service consequently suffered. Prior to the year 1810 there had been no legitimate provision made for superannuation allowances; but the Government had at its command certain unappropriated funds which they appropriated somewhat irregularly to that purpose; for instance, the receipts from the sale of old stores, found a fund which had been so applied. It was in 1810-12 that some approach was first made towards an adequate and legal provision for the superannuation of our civil servants. Since that time changes had been made to which he would not refer, but they had been so frequent and inconsistent that the system was felt to be utterly wanting in stability. A deduction was made from the salaries of the civil servants for the purpose, as the original intention was supposed to be, of providing a fund for the payment of their superannuations. A fund, however, in the proper sense of the word, was not provided; but by reason of the sums deducted, which amounted to 2½ per cent on the smaller and 5 per cent on the larger salaries, there was a public saving effected in the ordinary expenditure, and proposed to be set against the superannuation allowances given. This arrangement, however, was full of inconsistencies, and a great injustice was done by the various and inconsistent rules which prevailed, not only in the different departments, but even in the same department. There was a capricious distinction made between two classes of officers — those appointed before and those appointed after 1829. In the latter case the civil servants were subjected to considerable reductions from their incomes, in return for which they became entitled to retiring allowances; while the retiring allowances of persons not subject to reductions were actually higher than those of civil servants who had annually contributed to the fund. The result was the excitement of just discontent. The system was on all hands admitted to be indefensible, and accordingly the present Chancellor of the Exchequer introduced a Bill on the subject. That measure differed essentially from the Bill now before the House, but still it furnished an admission on the part of the Government that the present system stood in need of reform. The Bill of the Chancellor of the Exchequer was not received with much favour, and was referred to a Select Committee. That Committee came to a very important Resolution—namely, that the deductions made from the salaries of the civil servants should absolutely cease. To that Resolution an addendum was made, carried only by a majority of one, requiring the Treasury to undertake the revision of the salaries of the civil servants. That was, in fact, blowing hot and cold. In November, 1856, a Royal Commission, consisting of men admirably selected, was appointed to consider the subject, and in May of the present year this Commission reported that, after full consideration, they had come to the conclusion that, for the sake of the public service, as well as for the interest of the parties concerned, it was absolutely necessary that the system of deduction from the salaries of the civil servants should cease. Her Majesty's Government were asked early in the Session whether they intended to introduce any measure founded upon the Report of the Commissioners, and the answer was such as to induce the belief that it was their intention to do so. They, however, took no step whatever in the matter, and it was only towards the close of the Session that a noble Friend of his, a private Member of the other House (Lord Naas), introduced this Bill, which consisted merely of one clause, and was founded on that part of the Report of the Commissioners whereby the absolute repeal of all deductions from the salaries of the civil servants to form a Superannuation Fund was unconditionally recommended. It is true that further recommendations were contemplated. He hoped that in a future Session a Bill would be introduced for the purpose of giving effect to these recommendations of the Commissioners. He did not disguise from their Lordships or himself the fact that the Bill would cause a large addition to the public burdens, but he quite concurred with the Commissioners in thinking that additional burden would be more than compensated by the great improvement it would cause in the relation of the Civil Service to the public. The noble Lord concluded by moving that the Bill be read a Second Time.

Lord BELPER said, that having been one of the Commissioners who inquired into this subject he was desirous of stating that when they entered upon their inquiry their minds were entirely free from bias, and the unanimous conclusion to which they came was founded, not upon any wish to further the private interests of the Members of the Civil Service (with whom the Government had distinctly kept faith, for they were informed of the conditions upon which they entered the service), but solely and entirely to promote the public good. He could not help regretting that this measure was not introduced by Her Majesty's Government. The Commissioners were requested last year to report in time for legislation on the subject during the present Session, and their unanimous Report was presented at a period which gave ample opportunity to the Government to propose a Bill this Session. He should be the last person to complain of Her Majesty's Government for arriving at a conclusion adverse to that at which the Commissioners had arrived. It was undoubtedly the duty of the Government to consider the subject and to take their own view of it, but it was equally manifest that they ought to have submitted that view to Parliament. He regretted that it should have been left to an independent Member to bring forward a measure of his own for the purpose of carrying into effect one of the recommendations of the Commissioners, and that when that measure was so brought forward it should have been opposed by the Government, while they wholly omitted to say what were their views, or whether they intended to propose any measure to effectuate the recommendations of the Commissioners. He said this, not so much with regard to the past as to the present, for he thought it was of importance that the Executive Government should, if they approved those recommendations, introduce a Bill with respect to them. This Bill dealt with only one of the recommendations of the Commissioners, and he took that opportunity of expressing his earnest hope that the other measures which had been suggested by them would receive the consideration of Her Majesty's Government during the ensuing recess. Some of those suggestions the Government might perhaps be able to carry into effect of their own authority, but others might require the sanction of Parliament. It was of the utmost importance not only to the civil servants, but to the Civil Service itself, that all the absurd discrepancies in the present most objectionable system should be put an end to, and he hoped that Her Majesty's Government would not imitate the negligence of previous Governments on this subject. That neglect, he believed, had occasioned the greater part of the difficulty connected with this subject, and that difficulty could not be overcome except by some temporary sacrifice. He therefore hoped that Her Majesty's Government would not fail to take the recommendations of the Commissioners into consideration, with the view of introducing next Session, on their own responsibility, such a measure as they conceived would lead to results satisfactory to the civil servants and promotive of the public interests.

Bill read 2^a, according to Order, and *committed* to a Committee of the whole House *To-morrow.*

House adjourned at Eight o'clock
till To-morrow half-past
Ten o'clock.

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HOUSE OF COMMONS,

Thursday, August 6, 1857.

Minutes.] Public Bills.—2° New Zealand Loan Guarantee; Sales of Waste Lands (New Zealand).

3° Summary Proceedings before Justices of the Peace; Boundaries of Burghs Extension (Scotland); Representative Peers (Ireland); Wills, &c., of British Subjects Abroad.

NEW ZEALAND LOAN GUARANTEE BILL.

SECOND READING.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question

[30th July], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now" and at the end of the Question to add the words "upon this day three months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. HENLEY said, the whole of the New Zealand business was a very complicated business; he was not acquainted with the beginning of it, and he feared we had not seen the end of it. The security for the loan had not been very satisfactorily made out before the Committee, and must mainly depend on the good faith of the colonists. As the Government were very earnest in calling for the Bill he would not oppose that part of it which proposed some aid to the colony; though to one portion of it he was strongly opposed upon principle—he meant that part which related to the buying up of the lands of the natives, and unless the provisions with regard to that subject were modified or expunged in Committee he should feel compelled to vote against the third reading. He should, probably, not have consented to the Bill at all if he did not feel that the Government and the legislature of the country did not stand with "clean hands" upon the subject, but were in some degree responsible for the misfortunes which had occurred.

SIR JAMES GRAHAM observed that he could not allow the Bill to be read a second time without making some observations upon it, for neither the discussion on a former occasion, nor the perusal of the evidence of the Select Committee, had satisfied him of the advisability of adopting the Bill. It had been his misfortune to see the commencement of the proceedings connected with this subject, to watch them, and to resist them, but he did not think it expedient now to revive the discussion of those proceedings. Much light had been thrown upon the transactions to which he referred in 1852, when the late Sir W. Molesworth called the attention of the House to the subject at considerable length and with great ability. The House then obtained from the Colonial Office detailed information with respect to the occurrences that had taken place, and, although he did not think they would bear very close investigation, he could not but regard the Act of 1852 as a condonation of those transactions. He had, however, hoped that the settlement then made was final, and that the exchequer of this country would not be liable, either directly or indirectly, to any further charge in connection with the proceedings of the New Zealand Company. He found that Mr. Merivale, who was examined before the Committee, was pointedly asked whether he believed that any liability attached to the British Treasury, and gave a somewhat equivocal answer, to the effect that he thought there was no liability under the statute, but that it was possible a liability might occur. Mr. Merivale was cross-examined on that point by the Vice President of the Board of Trade (Mr. Lowe), whom he (Sir James Graham) regarded with respect to colonial matters, and especially upon legal points relating to the Colonies, as the highest authority in that House, and it was impossible not to see from the questions that the Vice President of the Board of Trade differed from the Under Secretary for the Colonies as to the constructive liability of the Imperial Exchequer. The present question arose out of the debt due to the company from the settlers in the Middle Island, for otherwise there would not be even the shadow of a claim upon the British Government for assistance. The amount of the debt was £260,000, which was charged as a mortgage upon certain lands in the Middle Islands. As he understood the transaction, the New Zealand Company sought to compound the debt of £260,000 for a prompt payment of £200,000, to be raised by the Government of New Zealand, and which probably could not be raised without the guarantee of the British Exchequer. The transaction then assumed a very extraordinary aspect. The New Zealand Government — a representative Government—would not give their consent to this composition of the debt except in connection with two other transactions with which the British Government had nothing whatever to do—namely, the payment of £180,000 to buy up what were called native rights, and of a further sum of £120,000 for debts due from the northern portion of the northern island. The total debt of the New Zealand Government proposed to be advanced amounted to £500,000, for a small portion of which, under very doubtful circumstances, the British Exchequer was collaterally liable. It appeared to him that the security on which the guarantee rested ought to be narrowly examined. Only yesterday the Government brought in a Bill charging the

Consolidated Fund collaterally with a sum of £20,000 to be advanced to a small port in Haddingtonshire for the improvement of the harbour. On the same evening an advance of £40,000 was proposed to defray the cost of executing public works and maintaining educational institutions among the native tribes in South Africa, and the right hon. Secretary for the Colonies (Mr. Labouchere) plainly intimated that the Government might possibly propose a similar vote next year. He (Sir James Graham) must say, as between loans and grants to the Colonies, that he greatly preferred grants to loans upon collateral and contingent securities. He thought the relations between the mother country and the Colonies could not be placed upon a more insecure basis than that of creditor and debtor. Whatever aid was afforded to the Colonies should, in his opinion, be in the nature of a grant, the reasons for which might be assigned, sifted, and debated in that House. He regarded these dormant securities as dangerous, and he thought the motto on the entablature of the Colonial Minister's official residence in Downing Street should be this :—

> "No lender be,
> For loan oft loses both itself and friend."

He (Sir James Graham) could not say that he was a great admirer of the constitution of New Zealand. The constitution was federal, including six provinces, and the effect of a heavy debt might be to render it the interest of the Federal Government to take the first opportunity of repudiating this debt. It appeared from questions put to the witnesses before the Committee by the Vice President of the Board of Trade that the collection of the colonial customs' duties was entirely in the hands of the Central Government ; and consequently, if the Central Government should think it inexpedient to continue high customs' duties—a measure which would diminish the security for the debt—although they could not reduce those duties without the consent of the home Government, they might, unless the reduction of the duties was assented to, be brought into collision with the Government of the mother country. It appeared that the Representative chamber of New Zealand had not approved by a unanimous vote the course now proposed by Her Majesty's Government. His objections to this measure were strong and deep-seated. He was sorry to see these collateral charges upon the Consolidated Fund multiplying so rapidly.

He thought that such transactions with respect to the Colonies were only justified by extreme necessity, and he would much rather vote for grants from time to time to meet any cases of proved necessity than for such loans as that which the House was now asked to sanction. If, however, notwithstanding the growing changes both at home and abroad, and these financial questions, which were daily increasing in difficulty and importance, the Government persevered in pressing measures of this nature upon the House, he could only say that upon them would rest the responsibility of such a course.

THE CHANCELLOR OF THE EXCHEQUER said, he fully admitted the force of the observations which had fallen from his right hon. Friend, and he would say that no class of questions occasioned him —as charged with the responsibility of the Finance department—so much embarrassment as those relating to the assistance by guarantee or by loan of colonial Governments. The old view of Colonies was that, if they did not furnish revenue or tribute, at all events they were to be economical and advantageous to the mother country. They were placed under commercial restrictions, and their trade was regulated in such a manner as to create an imagined advantage for the mother country. They were, indeed, sacrificed commercially and financially to the mother country. That view had, however, been entirely inverted, and the Colonies were now allowed the utmost freedom with regard to trade, commerce, and navigation. At the same time our ancient policy with respect to the finances of the Colonies had been reversed. Instead of the Colonies being tributaries of the mother country, the mother country was now tributary to the Colonies ; and if a financial balance were struck between this country and her Colonies, without regard to the commercial advantages which we undoubtedly derived from them, it would, he believed, be very heavily against the mother country and in favour of the Colonies. He apprehended that the theory of Parliament was, that by securing free trade with our Colonies, by preventing them from pursuing the policy of independent nations by excluding English manufactures or establishing high prohibitory duties, an immense commerce with distant regions was insured to this country. In that manner the trade and productions of Great Britain were benefited ; and, in order to insure the prosperity and good government of her Colonies, financial advantages were afforded them—especially when they were young or in difficulties—at the expense of the mother country. It was upon that principle that he judged the plan now under consideration. He freely admitted that there were strong objections to imposing upon the Consolidated Fund a guarantee for a colonial loan of £500,000, but he asked the House to consider the position of this question. By an Act of 10 & 11 *Vict.* it was provided that if the New Zealand Company closed their proceedings within a limited period their debt to the Crown should be remitted, and a sum of £268,000 should be charged upon the lands of the colony. The company fulfilled the condition, and they were thereby relieved from the debt due to the Crown, while the colony became indebted to them in the sum of £268,000. He thought it was unnecessary to reopen any inquiry into the merits of that settlement. He took as a fact the settlement deliberately sanctioned by Parliament, and that was the state of affairs when the noble Member for the City of London (Lord John Russell) held the seals of the Colonial Office. The noble Lord saw the difficulty occasioned by this debt of £268,000 due from the colony to the Company, and proposed that the Imperial Government should offer to guarantee loans to the extent of £200,000. The company, he believed, were willing to accede to the arrangement, and the proposition was submitted to the colonists, who rejected it on the ground that it would not effect a complete settlement of the difficulty, inasmuch as further embarrassment had been caused by the treaty of Waitangi, which sanctioned the principle that the land of a portion of New Zealand did not belong to the British Crown, but was vested in the native tribes. The consequence was, that as population and industry increased, the colonists were unable to obtain land without a purchase by the Government. This state of things was attributable to the legislation of the mother country, and there could be no doubt that the progress of the colony would be materially promoted by the extinction of the native rights. With that object, in addition to the guarantee of £200,000, the colony asked for a further guarantee of £180,000; and there were again other liabilities, amounting to about £120,000, which it was desirable that the colony should have the means of meeting. The total sum for which a guarantee was asked amounted, therefore, to £500,000. It must be borne in mind that the liabilities of the colony were, for the most part, owing to Imperial legislation and Imperial policy, but he felt that the colonists had no legal claim whatever upon Parliament. This was merely an appeal to the generosity and liberality of the House, and if they thought fit to reject the Bill, there would not be the smallest reason for complaint on the part of the colonists. He would, however, remind the House that the colony of New Zealand was in its infancy; it was in a temperate climate, where Englishmen could labour in the open air; its soil was fruitful; and there was a fair prospect that, if the colonial Government acted with good faith, they would be able to pay the interest of the loan and to provide a small sinking fund annually for the extinction of the debt. There had moreover been similar loans to some of the West India Islands, which were in a very effete and exhausted condition, and consequently did not offer the same probability of repayment. The right hon. Baronet (Sir James Graham) seemed to think it a disadvantage that the colonial customs duties, which constituted the main security for the loan, were collected by the central Government and not by the provincial Governments. Now, on the contrary, he (the Chancellor of the Exchequer) deemed that arangement an advantage. If there were any probability that the central Government would be subverted, and that the provincial Governments would obtain the control of taxation and of the application of the revenue, he might entertain some apprehension as to the security for the loan; but so long as the central Government was maintained, he believed that, unless some unforeseen reverses or calamities should occur—a reasonable expectation might be entertained that due provision would be made for the payment of interest and for the provision of a sinking fund. It was not a large burden on the resources of so large a country. He thought that by adopting the proposed plan they were following out the policy recognised by that House of giving assistance to a young colony, and contributing, by giving assistance to one limb of the empire, to the prosperity of the United Kingdom. He hoped, therefore, the House would assent to the second reading of the Bill.

Mr. ADDERLEY said, that he agreed that this was not a question of the claims of the New Zealand Company which were settled by a mortgage on the Crown lands for £268,000. The question now was which was the best way of discharging the Crown lands from a debt which lay as an incubus upon the prosperity of the colony. It was an Imperial duty to assist the colony in getting rid of the incubus. The company, whether they had a legal claim on the Treasury or not, had an honourable claim; and he thought that now there was a favourable opportunity to get rid of the debt; even on grounds of self-interest, we should close with the proposal. It was in accordance with the general interest of the country to assist a rising colony. It was the policy of the Imperial Parliament which first created this debt. That policy might be questionable—doubt might be thrown upon the conduct of the company, but all this only increased the claim on the part of the colony. The debt originated with the mother country and was fixed upon the colony by the mother country, and both on grounds of self-interest and justice we ought to take the opportunity of a speedy termination of the difficulty. Believing, therefore, that it was the interest of all parties, the company, the mother-country, and the colony—that the matter with the company should be compromised, he should support the proposition of the Government. It had been said, however, that this might be a reason for a part of the loan, but not for the whole; but he found on examination that the smaller loan would be altogether useless without the larger. The six provinces into which the colony was divided were interested—some in the one liability and others in another; and, accordingly, they declined to accede to the one proposition unless the others could be carried out, in order that the general burden might be fairly imposed upon the whole of the colony. As to the security, every hon. Member could judge for himself of its value. The whole charge for the loan, including the sinking fund, would be but £30,000 a year, and this was charged on £100,000 annual revenue of the colony from customs, and £80,000 from land. These revenues were rapidly rising, and their present amount would soon be distanced by the enormous elasticity of the revenues of a British colony. It might rather be asked why, with revenues so increasing, the colony wanted the money. But it should be remembered that this loan was an act of justice; and, moreover, a young country, however healthy, could not raise money at the same rate that it could be raised by England. It had been said that the colony might destroy its own revenue for the purpose of cheating this country. This would be such an instance of madness as he could not believe of any colony of Englishmen. As to the objections of the right hon. Member for Oxfordshire (Mr. Henley) against our interfering in the purchase of the native lands, he could not think that the rules which applied to property in civilized countries should be applied to the transitory occupation of wandering and savage tribes. The sole purchaser, according to the Act of Parliament, was the Crown and that we were by our own colonial improvements to increase the value of these lands, and then only permit them to be sold in detail when they had reached their highest value, seemed to him a preposterous proceeding. If the natives obtained a fair price, there was no reason why they should object to dispose of their lands, and such a course would undoubtedly be most advantageous to the colony and the mother-country. Moreover, it was not necessary that any part of the loan should be applied to the purchase of new lands: he denied that there had been any unfair and underhand dealing in bringing this measure before the House. The composition of the Committees which had sat upon the subject was a sufficient proof that it would be fairly treated. In conclusion, he begged to tender his thanks to the right hon. Gentleman the Colonial Secretary for the manner in which he had treated the question.

Mr. Adderley

Mr. CAIRD said, the hon. Gentleman (Mr. Adderley) had greatly relieved him from a difficulty which he might otherwise have had in voting, because he had clearly showed that the colony could not fairly require the guarantee of this country for the loan, since it was perfectly clear that even if the House should refuse the present application the colony of New Zealand would not be much embarrassed, for with a revenue of £180,000 a year the colony could have no great difficulty in borrowing so small a sum as £500,000. He understood from the Chancellor of the Exchequer that one principal reason for proposing the Bill was, that unless this country guaranteed the loan the colony of New Zealand would have to pay a much higher rate of interest than if the guarantee was given. Now, in all new colonies the rates of profit, and consequently the rates of interest, were high, and therefore the colonists of New Zealand could afford to pay a high rate of interest for the loan they required. When he looked to the probable demands upon the Exchequer of this country, and to the state of public affairs, he thought the House ought fully to consider the obligations they might be called upon to meet before they consented to afford guarantees for which it was evident no great necessity existed. He would, therefore, vote against the second reading of the Bill.

Sir HENRY WILLOUGHBY observed that the right hon. Member for Carlisle (Sir J. Graham) had said that the responsibility of this measure would rest with the Government. He (Sir H. Willoughby) could not agree in this, for he thought that as the Government had in a most straightforward manner brought the question before them, the House must accept the responsibility of dealing with the subject. He would also remind them that the Colonial Assembly was itself divided upon the very matter which they were called upon to sanction. There was only a majority of nineteen to ten; and this he considered a point for consideration, as, if any difficulty hereafter rose as to the payment of the loan, this would lead to increased objections. There was not sufficient information before the House; the Committee on the subject only sat two days, and examined two witnesses. He agreed with the right hon. Gentleman the Member for Carlisle that a grant would be preferable to a guarantee if a proper ground for it could be made out; and if there was in reality any pecuniary claim on the part of the New Zealand Company it should be treated directly and separately, and that the Imperial Government should enter into a distinct arrangement with the colonial authorities. He, however, very much doubted whether the company had any such claim upon this country, and the questions put by the Under Secretary to the Colonies (Mr. Lowe) clearly showed that he entertained similar doubts. He did not believe that the loan would be advantageous to the interests of the colony. Nor was it so clear, as had been represented, that the revenue of the colony was sufficient to pay the interest upon this loan. The revenue of £180,000 which had been mentioned, was not a surplus revenue, it was applied to civil payments and the necessary expenditure of a new province. They were laying the foundation for a financial squall. They were told that unless they lent half a million the colony would not borrow at all. He was very doubtful of this; and unless he (Sir H. Willoughby) heard something more satisfactory on the part of the Government, he should feel it his duty to vote in opposition to the Bill, as he believed it to be most impolitic to burden this country with charges in favour of the Colonies unless it was shown to be absolutely necessary.

Mr. W. WILLIAMS said, that the security was not a valid one, and the whole proceeding most unwise. They were as little likely to be repaid as they had been in the case of the loan to the New Zealand Company. The repayment of the money would be refused, when it was forgotten that Government had authorized it. He could not understand why this country should be burdened with the security for the payment of this £500,000, for so far as he was aware we had derived no advantage from the colony. The purchase of the natives' lands would be most advantageous to the colonists, for the price of land was daily rising in value, and the colonists could well afford to buy them without the intervention of this Government. He hoped the hon. Baronet (Sir J. Trelawny) would divide the House, and he should be happy to vote with him.

Mr. FORTESCUE said, that he wished to point out that the objections as to the insufficiency of the security, and the absence of the necessity for the loan, completely destroyed one another. The colony was young and rising, and he thought it only reasonable to assist it, as no doubt it would find it very convenient to raise this money at a difference between 4 and 10 per cent whatever its resources might be. The land fund of the colony would be in a far better state after this loan than it now was. At present that fund was swallowed up in the interest of the debt to the New Zealand Company and the purchase of native lands. It would hereafter be set free for the purpose of the encouragement of immigration, the formation of roads, and the construction of public works, and thus increasing the value of the very security which was given for the loan. The public opinion in the colony was very strong in favour of this transaction. In the two chambers it was carried—in one by a large majority, and in the other without any division. Government had on other occasions assisted in the same way our young colonies, and it did so in Canada at a critical period in the history of that colony, and the result of the experiment was such as to encourage the House to adopt a similar course in the case of New Zealand.

Mr. GILPIN said, he objected mainly to that portion of the Bill which empowered the colonial Government to buy land, and he thought that, before the House assented to grant any loan for the purpose, a searching inquiry ought to be instituted as to the dealings of the Government Commissioners with natives with reference to the purchase of land. It was stated by one of the Commissioners for the extinguishment of native claims that 5,000,000 acres of land, worth £200,000, had been obtained by a payment of £5,000, and on the faith of certain promises which were not fulfilled. With regard to the guarantee, he objected to the Government going out of their way to become traders, whether as money lenders or in any other capacity. Either the security the colonists were able to offer was ample and satisfactory, in which case they might easily obtain advances in the money markets of the world, or the security was not safe, and if that were so, Parliament had no right to mortgage the industry of the taxpaying classes of this country to guarantee such a loan as that proposed. He would vote for the Amendment.

Lord ALFRED CHURCHILL said, that the New Zealand colony was in a flourishing state. There were none who looked sharper after their interests than the natives of New Zealand, and, from personal experience in the colony he could speak to the advantages which would be derived from the loan. From the arrangements which had been made between the southern and northern provinces, the sum for the purchase of the native lands was necessary. When he was at Auckland a native chief had offered him land at £1 an acre, which he had purchased at 10*s.* an acre, which showed that the natives were well fitted to dispose of the land, and ready to take advantage of a rise in the market. Again, they were gainers by the clearing system, under which they undertook to clear waste lands for stipulated prices after having sold them. The natives, by all these transactions, as well as by being brought into contact with Europeans, were great gainers. In short, they were rapidly getting into trade, purchasing large vessels and exporting wheat to the amount of 300,000 bushels annually. They preferred commercial enterprise, and were anxious to sell their lands in order that they might purchase ships and enter into trade. The position of New Zealand was different from other colonies in this respect, that nearly the whole of the land had been purchased; while it was most desirable that the Government should have large quantities of land in readiness to be occupied by any colonist who should come there. He should support the Bill.

Colonel SYKES observed that the question was a very simple one. The Government of New Zealand, being burdened with debt, found that borrowing money on its own security it would have to pay 8 per cent, which would lead to an annual expenditure of £40,000, while with the guarantee of the Imperial Government it could obtain the amount required at 4 per cent, or at an expense of £20,000 per annum. The question was, then, whether it was the duty of the Imperial Government to render its assistance under such circumstances to a rising colony, and to prevent an unnecessary and useless exhaustion of the colonial resources. He held that such was the duty of the Government, and as they assumed the responsibility of the measure, and deemed that the securities were satisfactory, he would vote with them. He could not agree, however, with the notion of an hon. Member (Mr. Adderley) that the natives had no title to the land because they once had been nomadic.

Mr. DUNLOP said, he also must protest against the doctrine that the title of the New Zealanders to their lands was questionable. The title did not flow from us to them, but from them to us. The New Zealanders were a fine hearty race, and he did not think that it was our duty to take the land from them at a cheap rate. We should rather protect them, and encourage them in the improvement of those lands. Unfortunately, our colonial history was too much disfigured and disgraced by the injustice we had done to the natives of various colonies. He, therefore, should oppose the measure, chiefly on account of that part of it which would provide means for the purchase of the land from the natives.

Question put.

The House *divided*:—Ayes 78; Noes 23: Majority 55.

Main Question put, and *agreed to.*

The CHANCELLOR of the EXCHEQUER hoped, as the latest day of the House of Lords for receiving Bills was nearly come, that there would be no objection to take the Committee that evening. Any discussion could be taken on the third reading.

Bill read 2°, and *committed* for *this day.*

SALE OF WASTE LANDS (NEW ZEALAND.)

SECOND READING.

Order for Second Reading read.

MR. A. SMITH explained that the Bill was intended to enable the New Zealand Company, for the sum of £200,000, as guaranteed in the previous Bill, to give discharges in full of all their claims on the land of New Zealand. The New Zealand Company had not originated this Bill, and they gave up the claim of £268,000 under its provisions. He would take that opportunity of making some few remarks on the speech of the right hon. Baronet (Sir J. Graham) with regard to the previous Bill—

SIR JOHN TRELAWNY said, he rose to order. The hon. Member ought not to refer to a previous debate.

MR. SPEAKER said, that reference to a previous debate of the present Session was certainly irregular.

MR. A. SMITH said, that in that case he should simply move the second reading of the Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

SIR JOHN TRELAWNY said, he would be very unwilling to offer a factious opposition. His only object had been to relieve the British Exchequer from such burdens as that imposed by the Bill which had just been agreed to; and, as this Bill was merely ancillary to the former one, and moreover it did not affect the constitution of the Government, he should not throw any obstacle in its way.

THE CHANCELLOR OF THE EXCHEQUER said, that as the object of the Bill was to enable the New Zealand Company to take the smaller sum of £200,000, instead of the larger one of £268,000, there could be no question as to its policy.

SIR HENRY WILLOUGHBY said, that the £268,000 represented money advanced? Had we lost that sum? [The CHANCELLOR of the EXCHEQUER: Yes.] He considered that this was very hard. It should be a warning to future Secretaries to the Colonies, not to mix themselves up with such transactions. He should like very much to know how all the money had vanished?

THE CHANCELLOR OF THE EXCHEQUER said, that unfortunately the explanation was a very simple one. By the Act 10 & 11 *Vict.*, c. 112, the debts of the company were remitted to them if they closed within a certain time, and the sum of £268,000 was allotted to the company upon the lands of the colony. It was to this that he referred when he said that the bargain was not a bad one for the company.

Bill read 2° and *committed* for *this day.*

NEW ZEALAND GOVERNMENT ACT AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

MR. LABOUCHERE said, that the Bill contained some clauses which incidentally referred to the Bills that had just been read a second time, but its main object was to carry into effect certain Resolutions which had been passed by the Legislature of New Zealand, and to give greater powers to the central Government. When the constitution of New Zealand was framed, they did not understand "constitution" as well as they did at the present period. The central Government in New Zealand had not the same power at present as the central Government in Australia. It was entirely an enabling Bill, and one important privilege which it conceded was, that of making the second chamber elective, as in Australia, but which was impossible in the Government of New Zealand as at present constituted.

SIR JOHN TRELAWNY said, that they were giving power to the Government to traffic in the lands of the natives, which was not consistent with the honour of the country.

House in Committee.

Clause 1.

SIR JOHN TRELAWNY said, that from information he received from the agent employed in purchasing land from the natives, he could show that the natives parted with their lands on promises of the erection of schools, hospitals, and other improvements, which promises had never been fulfilled. All the statements of the Colonial Secretary would be translated and put into the hands of the natives as soon as the ship could arrive. It was monstrous to think that we ought not to interfere to protect these helpless people. He had a letter from the land agent to show how the natives had parted with their lands, owing to promises, and that those promises had never been carried out. Large quantities of land, to the amount of 1,993,000 acres, had been parted with on the faith of these promises, while the total sum paid was only £23,940, being an average of about 3*d.* an acre, while the real value was 10*s.* an acre. He warned the House not to pledge itself to such transactions.

Mr. LABOUCHERE said, that none would differ in opinion that the promises of the country ought to be strictly performed, and that our treaty of Waitangi, with the natives, whether wise or unwise, ought to be strictly carried out. After careful inquiry, he was satisfied that these measures were regarded by those persons, both civil and ecclesiastical, who had distinguished themselves by their regard to the interest and feelings of the native tribes, as equally advantageous to the natives and the settlers. Many of the natives were rapidly acquiring money by the sale of lands, while it was of the highest importance to put an end to those difficulties as to tribal rights, which interfered with the progress of all the inhabitants of the country.

Clause *agreed to ;* as were the remaining clauses.

House resumed. Bill *reported*, as amended; to be considered *this day.*

INSURANCE COMPANIES BILL.

COMMITTEE.

Order for Committee read.

Mr. H. B. SHERIDAN said, that all offices carrying on the business of insurance ought to be brought under the operation of the Bill. Many species of insurance would be exempted from the restrictions which it imposed.

Mr. BUCHANAN said, he had been instructed by nearly all the Scotch offices to oppose the Bill, but, in consequence of some clauses which had been added, he was now relieved from that disagreeable duty.

Clause 6.

Mr. H. B. SHERIDAN said, he thought it unjust that the Bill should apply only to the new companies. He did not see why certain offices should enjoy immunity from the provisions of the Bill because they had been in existence previous to the 7 & 8 *Vict.* The old companies involved property to the amount of millions, and if the public required protection, that protection was as much required for the shareholders and insurers in them as in the new. The object of the Bill was to provide security for the solvency of insurance companies, and these companies had a capital and transactions which represented £350,000,000. As population, wealth, and education increased insurance companies would extend; but the effect of this Bill would be to fetter the action of the younger companies, and to check enterprise in a direction in which it was most desirable that it should receive encouragement.

The CHAIRMAN called the hon. Member to order. His observations went to the principle of the Bill, not merely to the particular clause, and ought to have been urged upon the second reading.

Mr. H. B. SHERIDAN said, he should propose an Amendment on the clause in conformity with his arguments. And he hoped he should not be restricted in his observations which were strictly relevant to the question. There was no justice in bearing hard upon the young companies.

Amendment proposed in p. 2, l. 29, to leave out from the word "Company" to the word "makes" in l. 31.

Mr. WILSON observed, that the Bill consisted of two parts—the first, referring to the constitution of companies, being optional; and the second, enacting that perfect publicity should be given to the whole of the transactions being compulsory. The security for which the hon. Gentleman was anxious was provided by the latter part of the measure, which was compulsory upon all companies, whether they were established before or since 1844.

Mr. SPOONER said, if the old companies were not exempted from the provisions of the Bill, companies established by Act of Parliament or Charter from the Crown would come under its operation.

Mr. H. B. SHERIDAN said, that was no answer to his argument, which was, that if new legislation was necessary at all, it was as necessary for the old companies as the new.

Mr. SCOTT said, such a Bill should not have been brought forward at such an advanced period of the Session, involving as it did capital to the amount of hundreds of millions, and applying to the operations of insurance companies all over the country. It was impossible to do full justice to the subject, and improper to force it on in the absence of the hon. Members most acquainted with it. Two Bills relating to the same subject had been previously introduced, and this Bill, No. 3, was not delivered to hon. Members until yesterday afternoon. It was, therefore, impossible that the insurance companies throughout the country could be acquainted with its provisions. He was not adverse to legislation on the subject, if it was such sound, accurate legislation as would not require alteration, and not such hasty and unsound legislation as only tended to unsettle the public mind. The proper time for breeding birds and Bills was not the autumn but the spring; and they should be carefully hatched.

Mr. HANKEY rose to order. The arguments of the hon. Member related to the whole Bill.

The CHAIRMAN stated that this was so. The hon. Gentleman (Mr. F. Scott) should speak to the Clause and the Amendment.

Mr. SCOTT said, he was aware of that, and thought he was doing so. There was no reason for excluding the old offices from the Bill. No doubt since 1844 there had been a spirit of speculation and a system of "insurance offices" more like betting houses. They required some legislation, but the present Bill would only lead to further legislation and increase the mischief which existed.

Mr. AYRTON said, the hon. Gentleman was irregular, unless he intended to move that the Chairman leave the chair. If so, the speech was very much to the purpose.

Mr. H. B. SHERIDAN said, he should divide the House.

Mr. SCOTT complained of the course which had been taken in calling hon. Members to order. The hon. Member who called him to order (Mr. Ayrton) had not heard the Amendment, but the effect of the Amendment was to include all companies; and his observations had been germane to that matter.

Mr. W. EWART said, he would put it to the Government whether it was of any use to persist in a Bill of 120 clauses which was encountering such an opposition.

Question That the words "completely registered under the said Act" stand part of the clause, put and *agreed to.*

On the motion that the Clause stand part of the Bill.

Clause 7.

Mr. SCOTT moved that the Chairman report progress.

Mr. HADFIELD said, he also would press the postponement of the Bill, which involved great interests, and introduced a new principle.

Mr. BUCHANAN observed, that he wished the Bill to go on.

Mr. TITE also declared it was much desired by all the large companies, and had been settled by the leading actuaries; and it was calculated to do much good.

Mr. SCOTT said, the Bill was one which would affect great interests, and should not be passed in a hurry.

Mr. H. B. SHERIDAN said, he was not surprised to hear that certain hon. Members should support the Bill, for they represented large companies excluded from the Bill. The hon. Member for Glasgow (Mr. Buchanan) had that very morning succeeded in securing exception for the company he represented; and the hon. Member for Bath (Mr. Tite), who represented a company of great antiquity, which would be excluded from the Bill, was of course well satisfied with it.

House resumed. Committee report progress; to sit again *this day.*

NATIONAL GALLERY.—QUESTION.

Mr. CONINGHAM said, he had given notice to ask the Secretary to the Treasury whether it is the intention of Her Majesty's Government to sanction the removal of any portion of the National Collections of Pictures, in Trafalgar Square and Marlborough House to Brompton, and he would beg, in the absence of the Secretary to the Treasury, to put his question to the Secretary for the Colonies.

Mr. LABOUCHERE said, he could not imagine why the question was put to him as it was not in his department.

CLOTHING FOR THE TROOPS IN INDIA.—QUESTION.

Sir HENRY WILLOUGHBY said, he would beg to ask the Under Secretary for War whether the troops that have been sent to India have been provided with clothing suitable to the heat of the climate to which they will be exposed; and, if so, if he has any objection to state what provision has been made on that subject?

Sir JOHN RAMSDEN said, the most satisfactory way in which he could answer the question of the hon. Gentleman would be by reading, with the permission of the House, the list of articles issued to the troops on their arrival in India, in addition to the ordinary supply of necessaries which they had in this country. They were as follows.—For the cavalry four white jackets each, six pairs of white overalls, two pairs of Settringee overalls, six shirts, four pairs of cotton socks, and one pair of white braces. For the infantry, four white jackets, one pair of English summer trousers, five pair of white trousers, five white shirts, two check shirts, and one pair of white braces. Those articles were not supplied in this country, but formed a part of the soldiers' necessaries on his arrival in India, and were made of material made on the spot and best suited to the climate. During his stay in India, China, and Ceylon, and at other hot stations, the soldier was provided with a tunic and shell jacket in alternate years, and in the year in which the tunic was not issued the difference in the value of the two articles was paid to him, to be expended, under the authority of the officer commanding, for his benefit in any articles suited to the climate of the station. In addition to these the troops now going out to China and India had been provided with white cotton helmet and forage cap covers. In fact, the Government had taken every precaution possible to maintain the health and comfort of the troops.

COLONEL NORTH said, he wished to know whether the army in the field before Delhi were wearing the tunic, and also whether all those extra articles referred to by the hon. Baronet were to be carried by the Troops.

MR. STAFFORD said, he likewise should be glad to know whether the white headdress was a substitute for, or to be worn in addition to, the ordinary one, for that made all the difference.

SIR JOHN RAMSDEN said, in reply to the hon. and gallant Gentleman (Colonel North), he apprehended that the troops now in the field were in possession of the articles he had enumerated, because, under a General Order of the late General Anson, which had been in force for some years, every soldier on his arrival in India was provided with those articles of clothing in addition to those which composed his kit in this country. He had to state, in reply to the hon. Member for North Northamptonshire (Mr. Stafford) that the white linen covers for the forage caps and helmets were to be in addition to what the troops already wore, otherwise they would be of no use.

VISCOUNT EBRINGTON said, he wished to know whether the soldiers would be expected to carry this large additional weight themselves, or whether any arrangement would be made to carry it for them.

SIR JOHN RAMSDEN said, he apprehended that such arrangements were left entirely to the discretion of the officer commanding on the station.

THE BRITISH AMBASSADOR AT PARIS.

QUESTION.

MR. WISE said, he would beg to ask the Secretary to the Treasury why the charge for the Salary of the British Ambassador at Paris has increased from £8,000 in 1856 to £9,909 in 1857; and whether the Treasury Minute of the 27th day of May, 1851, giving effect to the recommendation of the Select Committee on Official Salaries, continues to regulate the payments made to Her Majesty's Diplomatic Representative at Paris?

MR. WILSON said, that in consequence of the greatly increased expenditure at the English Embassies, both in Paris and Constantinople during the war, the Government was induced to advise Her Majesty to increase the salaries of the Ambassadors in those two cities. The salary of Lord Cowley, at Paris, which was previously £8,000, was restored to £10,000, the amount at which it had stood until a few years ago, when a reduction was made. The greatly increased expenditure was no doubt due partly to the change in the form of Government in France and partly to the war. An increase had also been made in the salary of the Ambassador at Constantinople on the same ground of the additional expense caused by the war.

THE NATIONAL GALLERY.

QUESTION.

MR. CONINGHAM said, he would now beg to ask the Chancellor of the Exchequer whether it is the intention of Her Majesty's Government to sanction the removal of any portion of the National Collections of Pictures in Trafalgar Square and Marlborough House to Brompton?

THE CHANCELLOR OF THE EXCHEQUER said, Her Majesty's Government had come to no decision upon the subject to which the question of the hon. Gentleman referred. It was not their intention at present to sanction any removal of pictures in the National Gallery or in Marlborough House to South Kensington. In fact, there was no building at present to which they could be removed, even if such were the intention of the Government.

PENNY STAMPS.—QUESTION.

SIR DENHAM NORREYS said, he would beg to ask the Secretary to the Treasury whether there would be any financial objection to the issue of a new Stamp of the value of one penny which should be available for all purposes, whether for Postage, Receipts, or Drafts, the Post Office receiving credit for a proportion of the future issues of the new Stamp, calculated on the past average issue of the Penny Postage Stamp?

Mr. WILSON said, the question was carefully considered not many years ago, no doubt it would be a very great convenience to the public to have an uniform penny stamp for all the purposes for which it was used—viz., Postage, Receipts, Notes, and Drafts; but if there were, it was quite obvious that it would be impossible to keep distinct the Post Office accounts, so as to distinguish the progress of what he might call the postal experiment. That was a very strong reason for retaining a distinct stamp, so far as postage was concerned. But as regarded the rest, it was his duty four years ago to consider the subject, and he conceived there was no reason to continue any distinction between the penny stamp used for receipts and drafts; and he introduced a clause in a Bill before Parliament enabling receipt and draft stamps to be used indifferently, so that at present either stamp might be used for either purpose. But, he considered that it would be carrying that arrangement too far to extend it to postage stamps.

THE KINGSTON RAILWAY.

QUESTION.

Mr. G. A. HAMILTON said, he wished to ask the Vice President of the Board of Trade whether he had received an answer from the Directors of the Kingstown Railway, explaining their non-compliance with the law; and, if so, whether he will communicate such answer to the House?

Mr. LOWE said, an answer had been received that morning. It was on the whole satisfactory, but as the correspondence was still going on he did not think it would be proper to lay it on the Table of the House.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE:

Order for Committee read.

House in Committee, Mr. FitzRoy in the Chair.

Clause 8 (Constitution of the Court).

Mr. DRUMMOND said, he had objected to the Bill from the commencement, but in the observations which he made upon the second reading he confined himself strictly to the principle of the Bill, and had been no party to two attempts to throw obstructions in the way of what he considered to be the decided opinion of the House. On the contrary, he wished to contribute whatever part he could to make the Bill, not such as he fancied the Bill should be, but such as it was declared the Bill ought to be, by those who originally brought it forward. The clause before the Committee constituted the Court. He thought it must have struck every one, except the framers of the Bill, that such a Court could not possibly do any business, and if any doubt had existed, the statement of the hon. and learned Member for Wallingford (Mr. Malins) proved incontestably that it could not work. The statement was that a cause in the Court of Chancery was obliged to be postponed from May to November, although the Judge and every one connected with it were exceedingly anxious to have it settled, because the Judge could not go on until a Common Law Judge could be got to sit with him. It occurred to him that if there were only one Judge in all the other courts this court might be presided over by one Judge, for, in point of fact, the House of Lords was really nothing more than the machinery by which the Lord Chancellor pronounced judgment in these cases. He therefore proposed to substitute one Judge for all these Judges, and the only way he could do it, according to the forms of the House, was to move to leave out Clauses 8, 9, and 10, for the purpose of substituting other clauses, which he could not move until the end of the Bill. The clauses which he should propose at the end of the Bill were—

> "The Judge of the Court of Probate shall be also Judge of the Court of Matrimonial Causes and Divorce, and shall have full authority to hear and determine all matters arising therein.
>
> "Suitors who are dissatisfied with the decisions of the Court of Matrimonial Causes and Divorce in suits which have come before it in the first instance, may appeal to the Judicial Committee of Privy Council; but suitors who have applied to the County Courts can only appeal to the Court of Matrimonial Causes and Divorce."

His object was to reserve cases involving a great amount of property for the new Court, but to give to the poorer classes the power of instituting the same suits in the County Courts, which was the only possible way of providing a cheap court. He should also move the addition of the following clauses; the first of them being intended to meet the case of a suit for a separation being instituted in a fit of passion or ill-humour, by giving the parties a twelvemonth to cool and reconsider the matter:—

> "The parties who under the provisions of this Act are entitled to seek judicial separation through the County Courts in the district where they reside may give notice of their intention to apply for the same to the clerk of the said court, who

shall enter such notice in a book to be kept for that purpose, and the Judge of the said court shall forward a copy of such notice to the Judge Ordinary of the Court of Marriage and Divorce, but no further step shall be taken therein until after the expiration of one year from the date of the notice.

"In any suit before the Court of Marriage and Divorce, or County Courts as the case may be, if either of the parties to the same, demand that the cause shall be heard in private, it shall be so heard accordingly.

"Nothing in this Act shall be construed to limit or curtail any redress which might be obtained by a wife against her husband for cruelty before the passing of the present Act.

"It shall be lawful for the Lord Chancellor for the time being to issue such rules as may be needful for regulating the proceedings in the County Courts in all suits for judicial separation, in such way as to bring them into conformity with the proceedings in the Court of Matrimonial Causes and Divorce, and also to regulate the mode by which appeals may be made against the decisions of the said County Courts, which appeals shall be heard only before the Court of Matrimonial Causes and Divorce."

LORD JOHN MANNERS said, it was understood the other evening that the Attorney General would reconsider the constitution of the Court, and submit a more mature proposition to the Committee. Perhaps the hon. and learned Gentleman was prepared to state to the Committee what he proposed to do.

THE ATTORNEY GENERAL said, that when the other evening, his hon. and learned Friend the Member for Wallingford (Mr. Malins) called attention to the constitution of the Court, and suggested that it would be better to have a larger number of Judges from which to choose in order to render more certain the expeditious proceeding of the Court, he thought the suggestion a very good one, and it tallied with ideas which he had previously entertained. He wished, therefore, to have the clause postponed, to have an opportunity of considering it. He had since considered it very maturely with the aid of those who had given the subject much consideration when it was before the House of Lords, and he thought that unless changes were introduced into the Bill it would be better to adhere to the constitution of the Court as it stood. It certainly did occur to him when the question was first mooted that there might be some difficulty in getting together a Court constituted of one of the Chief Justices and of the Lord Chancellor in addition to the Judge of the Probate Court. The Lord Chancellor had had a particular conversation with the Lord Chief Justice, and the opinion entertained—of the accuracy of which he was perfectly satisfied—was that there would be a certainty of the Court, constituted according to the Bill, meeting without inconvenience or difficulty a sufficient number of times a year for the despatch of the business committed to it. The Committee would observe that the business which would come before it consisted only of final judgments. Supposing a petition were presented alleging adultery, the first and ordinary order of the Court, where the case was contested, would be to direct a trial at law. The full Court would not come into operation until after that trial, because the full Court would dispose only of petitions for dissolving marriage, on which the final order of dissolution would be pronounced, and application for new trials of questions or issues before a jury. There would be no difficulty, therefore, in the Court as at present constituted, sitting at the end of every term for a sufficient number of days to dispose of the whole of the business. The Lord Chancellor justly observed that he had no difficulty in disposing of the divorce Bills which now came before the House of Lords. No inconvenience would ever result from his having one of the Chief Justices to sit with him, because, under an existing Act either of the three Chief Justices might appoint a Judge to sit for him at *nisi prius* in the sittings after term; and this power might of course be exercised so as to secure the requisite number of days. In all probability the range of business would be very small indeed, and according to every reasonable expectation it would not demand more than two or three days at the end of every term. He found that one consideration which weighed very much with the House of Lords was, that it was desirable that the country should know what was the composition of the Court to which such important matters were to be referred; and he wished to avoid anything like hap-hazard legislation in reference to the new tribunal. For these reasons he had determined to adhere to the clause as it stood. If it should hereafter appear probable that there would be a large number of applications to the new Court through the adoption of the Amendment of the hon. Member for Surrey, making it a Court of Appeal from the County Courts, or from any other cause, it might then become desirable to reconsider the matter, but he was satisfied that the clause was adapted to the Bill as it stood.

LORD JOHN MANNERS said, that he did not see how the reasons assigned by the hon. and learned Attorney General for adhering to Clause 8 could be reconciled with the provisions of Clause 11. The Committee were told that in so delicate and difficult a matter as the composition of the Court, it was desirous to avoid uncertainty, and therefore they were asked to approve the Court as constituted in Clause 8; but Clause 11 empowered the Lord Chancellor to appoint one out of a very large list of Judges to supply the place of the Judge Ordinary in his absence. The list from which the Lord Chancellor might make his selection included the Vice Chancellors, the Lord Justices, the Judges of the Superior Courts at Westminster, the Master of the Rolls, and the Judges of the Admiralty Court, any one of whom might be called upon to take the place of the Judge Ordinary. What, then, became of the certainty which, according to the hon. and learned Attorney General, it was important the public should have in regard to the constitution of the Court? Another argument advanced by the hon. and learned Gentleman in favour of Clause 8 was that, as the Lord Chancellor now found no difficulty in dealing with the divorce cases that came before the House of Lords, so the proposed Court would have little difficulty in disposing of the business coming before it. What then became of the allegation of those who supported the Bill, that it would extend to the middle and lower classes a relief which had hitherto been confined to the upper ranks of society? If the Court, as constituted in Clause 8, was adapted merely for the number of cases that at present came before the House of Lords, what security had they that it would not become unworkable in the event of the number of divorce and matrimonial causes being increased to any considerable extent? The hon. and learned Attorney General had not referred to the important point raised the other night by the right hon. Gentleman the Member for Dublin University (Mr. Napier.) It would be recollected that upon the Attorney General declaring that a separate Bill would be necessary for Ireland, and that he had it in contemplation to introduce such a measure, the right hon. Gentleman stated that, as the Courts of law were constituted in that country, great difficulty would be experienced in calling upon the Irish Judges to administer the new law of divorce. Several of the Judges were Roman Catholics, and their religious tenets might prevent them from carrying out the provisions of such a Bill as that which the Committee had now under its consideration. Moreover, there was nothing in the law of England to prevent some of the Judges nominated in Clause 8 being Roman Catholics—a reason sufficient of itself to induce the Committee to pause. The practical effect of such a law in Prussia, according to Baron Von Gerlach, was that the Roman Catholic Judges, feeling that they might expose themselves to the anathemas of the Council of Trent if they were to take part in the administration of the law of divorce, had begged to be excused from adjudicating upon any matter involving divorce in the Courts over which they presided. That was a very inconvenient and even unconstitutional state of things, and Baron Von Gerlach, in his speech to the Prussian Chamber, called upon the Roman Catholic members of that body to assist him in relieving their co-religionists, who happened to be Judges, from the *onus* which the law imposed upon them, and from which they had hitherto escaped only through the kindness and connivance of their Protestant fellow-Judges. If a Court were to be established in Ireland similarly constituted to that which was proposed in this Bill, it was out of the question to suppose that the Judges would be uniformly Protestant. If the Roman Catholic bar of Ireland continued to receive a full measure of justice, it was clear that some of the Judges must inevitably be Roman Catholics, and if that were the case how was the difficulty to be met? Was there to be a proviso especially exempting those Judges from adjudicating on matters of divorce and substituting Protestant Judges for those matters, or was the power to be given to the Lord Lieutenant or the Lord Chancellor of Ireland to vary the constitution of the Court according to the religious convictions of the various Judges? If that were to be done, then this Bill, dealing as it did with English Judges, ought to give them the same opportunity of being relieved from the discharge of duties to which they entertained conscientious objections. He did not say that would be a proper course to pursue, but it would be the only way to meet the difficulty which would arise from an extension of this law to Ireland. He could not see that the Attorney General had at all overcome the religious difficulties which met him at every point. In Clause 12, power was given to the Queen to make the new Court a Court of Circuit, and if it were really intended to bring the law of divorce to every man's door that must be done. Was it, then, the intention of the Government to send the Lord Chancellor and the other Judges travelling through the country to administer the law of divorce? If that were intended, he could only say that it would be the first time the Lord Chancellor was ever sent travelling through the country. If he were told that the Lord Chancellor would not travel, but that the other Judges would, then there was at once a fresh circuit created, and it would be well to know when and how often the Judges would traverse the land to confer upon the people this inestimable boon of divorce. If, on the contrary, the Court was not to travel, but was to remain located in London, and simply to devote two or three days in the course of a year to the consideration of divorce matters, then it would be puerile to assert that the Bill would give great relief to the various classes of the people. It would be a mere blind and delusion if only the three or four cases which were now annually disposed of by Parliament were to come before the new Court, and it would be preposterous to say that this was a Bill of sufficient importance to keep Parliament sitting until September, in order to pass it. Upon that aspect of the matter he submitted to the Committee whether it was worth while to go on considering all the vast questions raised by the Bill, which had been solemnly introduced as effecting a change in the application of the law to the great benefit and relief of the middle and humbler classes, while, in fact, there would be no enlargement of the class which now enjoyed the dubious advantages of the privilege of divorce.

MR. MALINS said, it appeared that the Attorney General, after consultation with noble and learned personages who had promoted the Bill in another place, had arrived at the conclusion that the Court to be formed according to the provisions of his Bill would be an efficient tribunal. He agreed with the noble Lord (Lord J. Manners) that the question, whether the proposed Court would be equal to the work imposed upon it, depended upon whether there was any necessity at all for the Bill. If there were to be in future only the three or four cases which now came annually before Parliament, the new Court would be able to dispose of them, but if there really were an urgent necessity for this measure—if it were essentially necessary to give greater facilities for divorce—then numerous applications must be expected, and the Court would not be able to do the work. The hon. and learned Attorney General had told them that at present the Lord Chancellor disposed of all the divorce business which came before Parliament. That was true, but he did so as one branch of Parliamentary business over which he presided during the Session; but if the Bill were passed, the Lord Chancellor would still have to preside in appeals, to attend in the Court of Chancery, and in addition to preside over the new Court. It must be remembered that there were many actions for *crim. con.* tried which were not followed up by applications for divorce, the verdicts in some cases being against the plaintiff, in others only nominal damages were given, and in many the parties were not possessed of the means to enable them to apply for a divorce. All those cases must come before the new Court with the Lord Chancellor at its head. Then, again, issues might be directed, and the applications for them and for new trials, with the other business, would constitute an amount of labour to which he believed the Court, as proposed in the Bill, would be unequal. That, however, was a question of responsibility upon the Government, and if, after mature consideration and full debate, the Government was convinced that the Court they proposed would be competent to dispose of the business, he was not inclined to offer any further opposition. When he found his hon. and learned Friend the Attorney General telling them one day that he was afraid the Court might not be sufficient, and another day that he thought it would, he was afraid that the Bill had not received that full consideration which its importance demanded.

MR. NAPIER said, that with reference to the observations of his noble Friend (Lord J. Manners) concerning the Irish Judges, he would beg to remind the Committee that at present the Chief Justice of the Common Pleas and the Chief Baron of the Exchequer were both Roman Catholics. He did not think the number of divorce cases was likely to be great in Ireland. He had never been engaged in a *crim. con.* case himself, and had never heard of one when he was on circuit. Considering the other duties which the Judges had to discharge, he was afraid that there would be great objections to this Court,

LORD JOHN RUSSELL: I entirely agree with the principle of this Bill. I think Her Majesty's Government are perfectly right, after the measure has received the sanction of the House by a second reading, in their endeavours to pass it into a law; but I must say I should consider it a great misfortune if Parliament was called on again in a short time to reconsider this subject. I hold that opinion for many reasons, but among others because I should be sorry to see the cases of divorce greatly extended beyond the number that at present take place. I do not think there will be any great increase in the cases of divorce in consequence of this Bill, but if Parliament is from any cause called on to reconsider the question, and should a notion begin to prevail in favour of giving greater facilities for divorce, we might find ourselves in a downward path that I should be sorry to witness the country enter upon. I think it is not desirable that we should have to consider the subject again, and I hope, therefore, that the Government will take care to give in reality the remedy which the Bill proposes to provide. I understood from the statement of the Attorney General on the second reading of this Bill that it is not proposed to change the law; but that the law which has been applied hitherto by Parliament, in a judicial manner by the House of Lords, and by the House of Commons according to the opinions of the House of Lords, should hereafter be applied by a regular tribunal to be constituted under the Bill. The object proposed is that we shall no longer be open to the reproach that the rich man alone is able to obtain that which he is sure to obtain if he has sufficient cause—namely, a divorce, but that the same remedy shall be open to all classes of Her Majesty's subjects—that if a poor man is desirous to obtain a divorce in consequence of his wife deserting him or committing adultery with another person he shall be able to obtain it on terms that are within his reach. I observed only the other day in the newspapers what seemed to be a strong reason in favour of a remedy of this kind, though, perhaps, if I knew all the circumstances, it might not be so. A wife having deserted her husband, that husband was excited to such a pitch of passion that both his wife and her paramour had nearly fallen victims to the attempt he made to assassinate them. In such a case, the feelings of a husband in the humblest ranks of life being as acute as those of a husband who belongs to the higher orders of society, I think he should be able to avail himself of the same remedy. I expected therefore —this clause having been already under the consideration of the House—I expected to hear to-night from the Attorney General, either that he considered that there were sound sense and wisdom in the clause as it stands, or that some alteration would be made in it. Now, I must say, that the statement he has made to the House, and which has been derived from the Lord Chancellor, does not appear to me to have been very satisfactory. I wonder that a person of so acute a mind and so much knowledge of the world as the Attorney General should be satisfied with the conclusion to which the Lord Chancellor has come. It appears that that learned personage, finding that there have been but few cases in the House of Lords, thinks that if at the end of term he can get two Judges, perhaps one of the Lord Chief Justices, and the Lord Chief Baron, he could dispose of the cases that would come before them in a few days. This is meant to be a general remedy; but I cannot see that this is the way by which a poor man can hope to obtain that remedy. I can understand that when a Judge is going circuit—that when he goes to an assize town, a man may present a petition to have a case tried, and, a jury being summoned, have his case disposed of. It does not appear to me that that would be a difficult process, or one wanting in practical sense; but if a poor man in Cornwall or Northumberland is to be told that he must employ an attorney to present his petition to a court of learned Judges that would sit at some time at the end of the term in London; that possibly the Judges would, from physical reasons, be unable to consider his case; that they might want a vacation in order to recruit their exhausted frames, and that, therefore, in all likelihood the case would be postponed till another term, and that when that term arrived an issue might either be directed to be tried in London or be sent down to a Judge at assizes for trial—I cannot think that the poor man would be disposed to avail himself of a remedy so operose; I think that, having probably some experience of an attorney's charges, he would be so alarmed at the thought of the expense of employing an attorney in the country to set in motion an attorney in London, however much he might wish for a remedy, he would forego the remedy which Parliament had provided. Now, in my opinion, nothing can be worse than to profess to give a remedy and not to give it in reality. I have come to the conclusion, rather painfully I confess, that it is necessary there should be a Court of Divorce instead of the exceptional legislation we have had on this subject. The question in point of justice lies between having such a Court and giving up the granting of divorces altogether. Now, that is what will never be done. The rich man is sure to prosecute his divorce in Parliament, and to obtain it. Therefore I come to the conclusion that we ought to have a Court of Divorce, though not without feeling that the change will be attended with some risk to the morality of the country. But being ready to undertake that risk, in order to give to the poor man the remedy which we give to the rich, I think that remedy ought to be given fairly and freely, so that he should not afterwards find, when he hopes he is about to reach the goal, that the way is twisted and tortuous, and that the tolls are so heavy that he cannot hope to reach the terminus, in order to procure the remedy which he is in search of. Now, I ask if it would not be possible to enable persons desirous to obtain this remedy to present their petition to courts in the country—to the Judge of assize, for example, in the assize town? The issues do not seem to be difficult—the facts could be ascertained by witnesses competent to give evidence, and the Judge could make his report of those facts to the Court sitting in London, where an ultimate decision could be given. I would rather run the risk of having various and discordant decisions and considerable uncertainty than take the course now proposed; but if the Government chooses to insist on the course they are at present taking I shall not oppose it. I hope, however, that during the progress of the Bill the Attorney General will look to its practical working and take care that he does not defraud the people of this country of the remedy which he proposes to give them. This is a subject of vast social importance, and if we should hereafter find the people come to us and say, "Your remedy is too expensive—you professed to give what you have not given," and if in consequence we are obliged to reconsider the subject I do feel that serious injury would be inflicted. I cannot agree with many of the doctrines which have been laid down with regard to divorce and the dissolution of marriage; but, at the same time, I cannot help thinking that if we were to adopt the views acted on in Prussia and some other countries, with regard to the dissolubility of marriage, we should strike a great blow at the morality of this country. Therefore I do hope, that while the Bill is passing through this House, the Government will take care that it passes in such a shape that we shall not soon be called upon to reconsider our legislation and to extend the remedy.

MR. HENLEY observed, that he thought the words of the noble Lord would go far to open the eyes of the people as to the real nature and character of this Bill. The noble Lord said he was anxious to take away from the law the reproach of denying to the poor man the benefit of the remedy which it afforded to the rich, and he added—and with perfect truth—that as the Bill stood it was in that respect a delusion upon the poor man—that it would not give to the poor the remedy which the law gave to the rich—that it held out a promise of something to the poor which it did not give to them. The noble Lord said they must go further, and that this measure was a step in a downward course. That was undoubtedly true, and what would be the consequence? The poor, finding that they could not obtain the remedy which they were promised, would come forward with a mixed demand. They would say that the remedy must be more complete and easy, and the grounds of divorce must be enlarged. That must have been what the noble Lord meant when he suggested that the Bill would be a step in a downward course. With regard to the amount of business which the proposed Court would have to transact, there had been fifty-four divorce cases determined by one Court in London during six years, and if they added to those the cases decided by the Arches Courts and the country Courts, numbering not less than fifteen or sixteen in the year, they had something as a foundation for business, supposing that no increase in sin and crime took place, and that the number of applications remained the same as it would do if there were no such change in the law. Well, the Bill required that the parties should in the first instance petition the full Court, which was to determine whether or no the adulterer was to be made the co-respondent—of course after hearing his defence. Then the Court was to determine how the case was to be tried. They might send it to a jury, or the parties might claim to go before a jury by right. This too, would have to be argued before the full Court, and if the result was the sending the case to a jury it would then be tried by a single Judge. Then in the event of an application for a new trial or other proceeding, the case would have to go before the full Court again, which, having heard nothing of the evidence, was to determine. Now, with all respect for the authority of the hon. and learned Attorney General, he (Mr. Henley) did not believe that all this would be got over in two or three days at the end of the term. The Attorney General moreover said, that it was desirable that the new Court should be certain in its character, but how could it be otherwise than fluctuating when a quorum of three Judges out of five was to be sufficient for judicial purposes? It was not for him to say how the Court should be constituted, but of this he was persuaded, that, as here proposed, it would not get rid of the blot which, by the promoters of the Bill, was said to rest upon our legislation. With regard to the promise of bringing the remedy within the reach of the poor man, it was an utter delusion. Whether it might be done by referring such cases to the Judges at the Assize Courts, as the noble Lord suggested, or in any other mode, it was not for him to say; but it was quite impossible that by the means the Bill provided a divorce could be obtained without an expenditure of several hundred pounds.

SIR GEORGE GREY said, he begged to remind the Committee that the question before them was that the 8th clause stand part of the Bill. He rejoiced to find that, the second reading of the Bill having passed, there was a disposition to make it as effective as possible, and to extend its benefits to all classes; and he would suggest that that object would be best promoted by their assenting to the clauses referring to the constitution of the Court, and if it was considered that the proposed constitution was not likely to be efficient—and he himself thought much might be said in favour of the enlargement of the Court—some means might be devised for meeting that objection on bringing up the Report.

MR. PACKE said, that if they were to alter the clause hereafter, he saw no reason for passing it now. After the able and convincing speech of the noble Lord (Lord J. Russell), which showed that this clause would be entirely ineffectual for its object, he was surprised to hear that the noble Lord proposed to give his assent to it. He thought the Government ought to state at once the manner in which they proposed to enlarge the Court. Without information on this point it would be useless to go on discussing the Bill, as the constitution of the Court was a material portion of the measure. He suggested the postponement of the clause.

MR. WARREN: The court which is to administer the new law is surely the very mainspring of the whole machinery, and its due constitution a matter consequently of great moment. Now, by the 8th section of this Bill the Lord Chancellor, the two Chief Justices, the Chief Baron, and the Judge of the new Probate Court, are to constitute the full Court of Divorce and Matrimonial Causes. This last Judge is, by section 9, to be called "the Judge Ordinary" — who is to have full authority, either alone, or with one or more of the other four Judges, to exercise all the powers of the court, except in two cases—hearing petitions for dissolution of marriage, and applications for new trials of questions, or issues before a Jury. The last two cases are to be determined by three or more of the Judges, of whom the Judge Ordinary is to be one; but, by section 11, during the temporary absence of the Judge Ordinary, the Lord Chancellor may authorize the Master of the Rolls, or the Judge of the Admiralty Court, or either of the Lords Justices, or Vice Chancellor, or any of the Judges of the Superior Common Law Courts, to act as Judge Ordinary, and execute all such power as he might exercise alone. Three Judges, therefore, are a quorum, and there is no provision for requiring the Lord Chancellor to be one of them, although they are to exercise such supremely important jurisdiction as that relating to the dissolution of marriage. This ought to be otherwise ordered. Again, by the 12th section, the court is ambulatory; and is it consistent with the other duties of the Chancellor—with the dignity of the Great Seal—that it should be dragged every now and then into the provinces—from London to Cornwall, or Cumberland for instance?

MR. COLLINS observed, that now that the principle of the dissolubility of marriage had been so fully established, it would be well to insert a provision in either the 8th or 11th section of the Bill, declaring that the County Court Judges were to form a portion of the judicial staff called to decide in divorce cases. The County Courts were the only courts to which the poor man could apply for relief in the circumstances supposed by the Bill, but if they were to be closed against him the measure was a mere farce.

SIR WILLIAM HEATHCOTE said, that with reference to the suggestion of the right hon. Baronet the Secretary of State for the Home Department, that this clause should be further considered upon the Report, as a great deal of minute discussion in the shape of question and answer might be needed it would be better that the clause should be further considered in Committee. The proper way to secure that would be to negative the clause at present, and to allow it to be brought up in an amended form, after the other sections of the Bill had been considered.

MR. GLADSTONE said, he must express a hope that the House would be favoured with a clearer expression of the views of Government. His right hon. Friend the Secretary of State for the Home Department had indicated that the Government were open to consider whether further provision should not be made in regard to the subject-matter of this clause. In saying that, he contradicted what had just fallen from his (Sir G. Grey's) hon. and learned Friend the Attorney General, who himself had occasion to contradict what he stated two nights ago. This showed the existence of a very indistinct and fluent state of mind on the part of the Government, and as this was a question of great importance it was natural that the House should look with some impatience for a declaration of what were their intentions with regard to it. Though he could not say that he was very anxious for the extension of a boon which he thought to be of a very doubtful character, yet it must be remembered that the extension which this Bill promised to the country began with a contraction; that it cut off a great deal of the remedy which was now accessible to the people. Besides the divorce *a vinculo*, there was the minor divorce *a mensâ et thoro*, which was not open to the particular objections which applied to the former class, because no man or woman sought it from corrupt motives, but only to obtain relief from actual suffering or from the contamination of an evil connection. Yet, while the facilities for obtaining a divorce *a vinculo* were to be increased, the power of getting this, for which alone he believed that persons among the lower classes were anxious, was to be greatly curtailed. All those facilities which were at present afforded through the numerous local courts scattered over the country the Commitee was now going to cut off; and the only answer given to that was, that the new Court should hold its sittings "at such place or places in London, or Middlesex, or elsewhere, as Her Majesty in Council might please to appoint." They had not yet had one satisfactory word from the Government, as to the substitution they proposed to make for the existing facilities which were to be destroyed by the Bill, independent of the additional facilities they were bound to provide, in fulfilment of the promises they made when the Bill was brought in. One point more. It was assumed that the cases of divorce were to continue the same as they were now; but do not let it be forgotten that they were now introducing a new chapter, because there was the question of divorce for adultery coupled with desertion, which was entirely novel to our law; and it was possible that under that new principle a very considerable addition would be made to the number of divorce cases.

SIR GEORGE GREY observed, that he thought it would be a most inconvenient course to negative the clause, as suggested by the hon. Baronet the Member for Oxford University (Sir W. Heathcote), because if that were done they would be obliged to postpone, as they came to them, the other clauses which had reference to the Court. The Government were desirous, and he thought he might assume that a large majority of the House were equally desirous, to extend the existing remedies of divorce as widely as possible, and they were therefore anxious so to constitute the Court that it would be able to despatch satisfactorily all the business that would come before it. He admitted there was some force in the argument that it was now proposed to constitute the Court almost entirely of Judges who had other functions to discharge than those which the Bill would impose on them. The Government would, therefore, be ready to propose an enlargement of the Court, such as had been suggested, at a future stage of the Bill. With that assurance, he trusted the Committee would not press upon them the inconvenience of now striking out the clause, Sir WILLIAM HEATHCOTE said, if the right hon. Baronet (Sir G. Grey) would undertake to bring up another clause with that view in Committee, and not on the Report, he should be satisfied.

The ATTORNEY GENERAL said, that there would be no necessity for convening two Courts in these causes. The Judge Ordinary would grant decrees in the first instance, and the full Court would only be convened in the event of a new trial being applied for, and for pronouncing the final sentence of divorce. He sincerely congratulated hon. Gentlemen opposite for at length so dealing with this Bill as to wish to enlarge and make it accessible to all descriptions of persons. [*A laugh*]. He repeated that he congratulated them; and if his right hon. Friend the Member for Oxfordshire (Mr. Henley), who was so anxious for facilitating divorce to the poor man, and his hon. and learned Friend the Member for Wallingford (Mr. Malins) who had professed a similar sentiment, with the addition of the hon. and learned Member for Midhurst (Mr. Warren), and lastly the hon. and learned Member for Knaresborough (Mr. Collins), would form themselves into a little auxiliary sub-committee and frame a clause for the purpose of carrying out their views in that respect, he would give it his best consideration. Let not the poor man be driven to try his question of divorce before one of the Judges at an assize town, but let him have the power, in the first instance, of originating a plaint in the County Court, which should afterwards be sent up to the Court in London for the purpose of having sentence pronounced. If these hon. and learned Gentlemen, with his right hon. Friend the Member for Oxfordshire would be auxiliary to him in framing such a clause as that, he would consider the matter, and when they had framed it the Committee would be able, with their assistance, to consider the constitution of the Court. Reference had been made to the time occupied under the present practice of hearing divorce cases in the House of Lords; but it should be borne in mind that the House of Lords only examined witnesses in such cases, and, as the examination was conducted there in no very rapid manner, divorce suits frequently ran through a month or six weeks, or more, at intervals. But the new Court would proceed very differently; the evidence of witnesses would be taken at the trial, and according to the result of that trial, the Court would have to pronounce judgment at once, unless there were an application for a new trial; and if there should be an application for a new trial that application would be disposed of with as little delay as such applications were now dealt with in any of the Courts of Common Law, in Westminster-hall, where five or six applications for new trials were frequently heard and decided in a single morning. They must not, then, estimate the time which would be occupied by the new Court in dealing with these cases by the time the House of Lords took to hear and decide divorce cases now. He did not anticipate that there would be any such great addition to the number of divorce cases under the new law as some hon. Gentlemen on the other side seemed to anticipate, nor did he believe that the expense of the proceedings would be so alarming as had been suggested. In Scotland, where divorce was easily obtained, the Court of Session was as expensive as this new Court in England was likely to be. He found that there had been among the poorer classes in Scotland in five years ninety-five cases of divorce, and that the average cost of rescinding a marriage in that part of the kingdom was £30, though where there was no opposition, £20 would suffice to defray the expense. He could not promise that, under this Bill, £30 would be the price, but possibly, with the aid of the hon. and learned Gentlemen to whom he had referred, the thing might be done for £30. With these observations he trusted the Committee would not obstruct the passage of the Bill by any unnecessary discussion.

Mr. HENLEY said, he for one emphatically declined the invitation made to hon. Members on his side of the House by the Attorney General, to employ their leisure time in helping the Government out of the dilemma in which they found themselves, and to assist them in fulfilling the promise which they had trumpeted all over the country, that they were going, by this Bill, to remove the scandal and reproach which attached to it of only affording facilities for divorce to the rich and denying them to the poor. They on his side of the House had made no such promise. It was the Government who had held that language, and it remained with them to give effect to it. The hon. and learned Attorney General, with the true Chancery instinct, had given it out as a great wonder that the House of Lords heard witnesses before they decided a divorce case. But what did the hon. and learned Gentleman invite hon. Members on his (Mr. Henley's) side of the House to do? The hon. and learned Gentleman said, "You want to provide for the case of the poor man; let him go to the County Court, where the trial of each case lasts three minutes on an average; and, after the County Court Judge has taken the evidence, let it be sent up to the Court in London for judgment." That was the remedy which the Attorney General proposed to give the poorer classes throughout the country. The hon. and learned Gentleman actually invited them on his (Mr. Henley's) side to occupy their leisure in framing a clause which should give the Judges of the new Court in London the power of deciding in the case of the poor man, without the assistance of a jury, and without ever seeing any one of the witnesses; while he made provision by this Bill that no application for a divorce by a rich man should be dealt with except by a jury of his country, and in the hearing of the Judge who was to decide it. And so, by way of arriving at what was recommended by the noble Lord the Member for the City of London—that the poor should have access to these new Courts—there was to be no jury for the poor man; he was to be handed over to the tender mercies of the County Court, where his case would be decided, after the fashion and the boast of that tribunal, in three minutes. Now, he thought that, if there was one class of cases more than another in which oral testimony was essential to the elucidation of truth, it was divorce cases. They had the most extraordinary cases sometimes trumped up; but, under the racket of cross-examination by the cunning old Judges in the House of Lords—not Chancery Judges—those cases broke down. It was no business of his to supply the defects of the Government. The Government had held out that this was to be a Bill for the poor as well as the rich. It was no business of his whether it was right or wrong. They had made the promise, and, if they were honest, they ought to fulfil it.

Mr. LYGON suggested that, as it had occurred to the hon. and learned Gentleman the Attorney General to make mention of a sub-committee, it might be as well to refer the Bill at once to a Select Committee.

Mr. AYRTON said, that he entirely coincided in the principle of the Bill, that divorce ought to be brought within the reach of all the people of this country. He thought that the question which had been raised by the noble Lord (Lord J. Russell) ought to be seriously considered. He was very much struck by the circumstance that, the Bill having been framed in the House of Lords, it seemed to have been framed entirely for the benefit of their Lordships, without any reference to the condition and circumstances of the great masses of the community. It appeared to him that the very strongest objection to the Bill, as at present constituted, had not yet been noticed. Let him ask, what was the present protection of an Englishman against the assaults of his rich neighbour upon the chastity of a beautiful wife? As the law stood, if the wife of a poor man were seduced by a person of wealth and station, the poor man could go into a court of justice, which he knew in the period of six months would come to his door, and obtain exemplary damages, besides holding the seducer up to public contempt. The action for criminal conversation was the real protection of the poor man's wife; but this Bill had taken away that action; and what was the substitute for it? It was no answer to the poor man that the seducer of his wife could be fined; for it was trifling with a grave question to say, that men in the condition of the six millions, who were the basis of the strength and wealth of the country, could ever reach the Court which it was proposed to constitute. It was impossible to decide what the Court was to be till it was known what sort of justice it was to administer, or until it was determined whether there were to be local courts, or some machinery by which every man could, for £10 or £20, bring his case before some tribunal for trial. He believed that, under this Bill, a cost of £100 or £200 would be incurred before a man could get redress. He saw with regret the complicated procedure which this Bill proposed, the bandying of the case from one court to another before it was brought to an issue; and even that the verdict of a jury was not to be conclusive, but the ultimate decision was to rest with the full Court. In short, the procedure had evidently been framed on that of the Court of Chancery, and was so complicated with petitions, and issues, and new trials, that with an inexhaustible purse there might be almost inexhaustible litigation. He believed that the poor man, in going into this court, would find himself involved in years of litigation, and he might sit down and fold his arms, cursing the upper classes of society for taking away his wife, and also the only remedy he had against her seducer.

Mr. POWELL said, that he thought it would be less difficult to get together three puisne Judges than three Chief Justices; and as, by a recent enactment, the Lord Chancellor could call in the assistance of Common Law puisne Judges in Chancery, he did not see why they could not be members of this Court. So far as regarded the bringing home the remedy of divorce to all classes, he thought that they ought to proceed in such a matter by degrees—to go step by step—and, if it was found that the procedure which was adopted worked well for the public good, then the influence and the jurisdiction of these Courts might be extended. With regard to the suggestion of giving the power of divorce to the County Courts, he should wish to know from whom that suggestion proceeded, whether from the friends or enemies of the measure? He thought there was something of sarcasm in the suggestion, that it was intended as the *reductio ad absurdum,* and to throw ridicule on the principle of the Bill; and he, having given his support to the principle of the measure, deprecated any notion of giving a jurisdiction in divorce to the County Courts.

Mr. DRUMMOND said, he begged to remind the Committee that the question of giving a jurisdiction in this matter to the County Courts was not before the House, but it would come before them at the end of the next clause, and then he would undertake to show the hon. Gentleman who had just spoken that doing that was the only way to make the Bill work.

Mr. MALINS said, his hon. and learned Friend the Attorney General had invited him to form one of a Committee to frame clauses for facilitating divorce; but if his hon. and learned Friend thought that he wished to extend the facilities for divorce, he had very much misunderstood him. What he said was, that they had brought in a Bill professing to be a poor man's Bill, and that any expectations of that sort which might be raised would end in delusion. He felt more than ever that giving greater facilities for divorce would be one of the greatest social curses that this country had ever been visited with. He must utterly decline to become a member of a Committee for any such purpose, and on the Government the blame must rest of deluding the people with regard to this measure.

Mr. BUTT said, the question before the Committee was, whether they should now adopt the 8th clause. Before they could do so, they ought either to approve the clause as it stood, or to feel satisfied that the alterations required to make it perfect were so immaterial that they could be discussed on the bringing up of the Report. In reality this provision was the very essence of the Bill; and it would be better for them to debate the clause night after night—he would almost say week after week—than to pass a measure establishing a tribunal which would be wholly inoperative. When the Attorney General said that the Judge Ordinary would administer all the common jurisdiction of this Court, he must have forgotten the 51st clause of the Bill, which gave to parties dissatisfied with the decision of the Judge Ordinary the right of appeal to the full Court. Litigation of this kind must be expected to be peculiarly exasperated, and few husbands or wives would be found disposed to submit to the judgment of a single Judge, if it went against them. Therefore, the Judge Ordinary must call in the aid of two of the other Judges, who had their own proper duties to perform; and the sitting of this new tribunal would be made to depend on the convenience of four other Courts. Supposing the Lord Chancellor could attend on a given day, the Lord Chief Justice of the Queen's Bench might then be engaged on an important case elsewhere, while the Lord Chief Justice of the Common Pleas was also hearing an important trial at *Nisi Prius.* In fact, the problem was, out of four Judges already fully occupied, what were the chances of finding two of them disengaged on the same day? To press the clause as it stood, therefore, was to say that the new Court should hardly ever meet. He was for bringing home divorce—for the same cause as it was given to the rich—to the cottage of the poor man; but, certainly, this clause as it stood would not effect that object. He should be very glad to postpone the clause, if he could; but he thought the only way of so doing, at that stage of the Bill, was by negativing it. Another question was, had they settled what were to be the limits of the jurisdiction of this new Court? Could natives of India, who had never been domiciled in England, apply to this tribunal without coming in person to this country? If so, could persons living at Edinburgh or at Cork do the same? In short, was this jurisdiction to extend throughout the United Kingdom and the whole of our dependencies? Until this point was decided, they could not satisfactorily determine upon the component parts of the Court. They had no right to take away tribunals to which the subjects of the realm could now resort for relief, without substituting other courts well adapted to the due administration of justice. He thought, therefore, the best course would be to negative the clause, and for the Attorney General to bring another in Committee constituting a better Court.

LORD JOHN RUSSELL had understood his right hon. Friends the Home Secretary and the Attorney General to promise that, while they wished this clause to be adopted, they would consider whether other clauses might not be introduced, not upon the Report, which would be an unsatisfactory mode of dealing with it, but in the course of Committee, with a view to amend this provision. Upon this assurance the hon. Baronet (Sir W. Heathcote) agreed not to propose the rejection of the clause. If the Government fulfilled their promise the House might fairly leave this clause, and defer till a later stage of the Committee the discussion upon the best mode of extending to the poor classes the remedy now open to the rich. It was not surprising that the august body from which this Bill proceeded, having great leisure and great resources at their own command, should not have very carefully estimated the little time and the small amount of money which the poor man could afford for proceedings of this kind. But it was hardly the duty of those who opposed this measure to frame clauses for giving effect to its object or to amend its provision. It was incumbent on the Government, with their knowledge of what was required, and being themselves, as all hon. Members are, representatives of portions of the people, to devise the proper machinery for carrying out their own Bill. When that machinery had been devised its details ought to be printed, that the Committee might really know what it had to vote upon, for, as had been said by the hon. and learned Member for Youghal, this clause was of the essence of the measure. If the machinery was efficient and satisfactory the Bill would be just, and he hoped popular. If, on the contrary, the proposed tribunal should be dilatory and expensive, then the measure would be a failure, and there was no saying what might be the consequences.

LORD JOHN MANNERS said, the further this discussion went the more clearly was it apparent that all those who had supported the principle of the Bill on its second reading, with the exception of the hon. Member for Wigan (Mr. Powell), were opposed to its provisions. That hon. Gentleman, indeed, supported this clause, but he did so at the expense of the principle ostensibly involved in the measure. The hon. Member did not wish to bring home the facilities for divorce to the poor; while his argument, on the contrary, was *experimentum fiat in corpore vili.* The *corpus vile* in this case, according to the hon. Gentleman, was now the wealthier classes of this country; and he had insisted that the measure would not effect what its advocates had told the whole country was its principal object. So much for the one speech they had had in favour of the provisions of the Bill. With great respect to the noble Lord he (Lord John Manners) doubted whether the noble Lord had understood the pledge given by the Secretary of State for the Home Department. What the right hon. Gentleman had promised amounted merely to this—that when all the clauses had been discussed, if it should turn out that other duties were thrown upon the Court beyond those imposed by the Bill as it stood, then the Government would not refuse to consider the constitution of this tribunal. With regard to what had fallen from the Attorney General, even if the hon. and learned Gentleman were willing, it was doubtful after his opening speech of that evening whether he would be able to accede to the views of the Committee as to the reconstruction of this Court. Would any hon. Gentleman tell him when it was likely they would arrive at the end of this Committee, and whether it was probable that half the hon. Members now in the House would be present at that discussion upon the constitution of this Court, which it was proposed to postpone until the rest of the Bill had gone through Committee? He thought that the Committee would be guilty of great imprudence if they sanctioned the clause as it now stood. The usual Parliamentary course would be to negative the clause, and reconsider the subject when the Attorney General introduced the new clause which the accumulated wisdom of the Government might frame with the assent of the Lord Chancellor, for it was in vain to hope that any clause would be agreed to by the Government which was not in accordance with the opinion of that high dignitary. With the declaration of the right hon. Gentleman and the Attorney General before them the Committee would not be justified in giving a hasty and unintentional sanction to the present constitution of the Court.

Sir GEORGE GREY said, he was not about to repeat for the third time the statement he had made, but he would only express his regret that though he had twice explained the course the Government wished to pursue, he had not been understood by the noble Lord. What he had said had been quite misrepresented, for he had not made the slightest reference to any additional duties which it was proposed to cast upon the Court.

Mr. GLADSTONE remarked, that he thought the declaration of the right hon. Gentleman (Sir G. Grey) intelligible enough. But what was the subsequent declaration of the Attorney General? He did not retract what he had said; but he appeared to intimate that the question of a large extension of this judicature by means of the County Courts was admissible, although he was not prepared to frame a clause to give effect to that opinion. His hon. and learned Friend therefore devolved that duty upon hon. Gentlemen opposite, not without offering some taunts between the inconsistency of their votes on the second reading and the duty which those hon. Gentlemen certainly did not volunteer, but which his hon. and learned Friend was kind enough to put upon them. The difficulty was to reconcile the text of the Secretary of State with the commentary of the Attorney General. The speech of the noble Lord (Lord J. Russell) was an admirable example of what he might call favourable construction, for, mixing up the text and the comment, and throwing with the skill of a practised painter the harsh and least seemly parts of the picture into the shade, he drew from both a general statement that if the Committee passed the present clause the Government would revise the constitution of the Court, and that the House in Committee at some future day would reconsider the matter. Now, if the House were to consider the two speakers as thus welded into one person, and their contradictory declarations as reconciled into one harmonious declaration, that no doubt was a point gained. But the difficulty was to affirm the 8th clause, as the Committee appeared to be under a strong and general impression, which was partaken by both friends and opponents to the Bill, that the 8th clause was quite insufficient for the purpose. It established the superior parts of the machinery for fashionable persons, but it made no provision for that coarser machinery which was to do the business of the bulk of the community. He objected to fix the principal part of the machinery before he knew the shape of the rest, for he did not consider the superior machinery independent of that which was subsidiary, or the reverse. The hon. and learned Member (Mr. Butt) was quite right in saying that the consistent course was to negative the clause, which need not prevent the Committee from assenting to a similar clause if at a future period it should seem convenient to do so.

Lord STANLEY said, that he thought that if hon. Gentlemen objected to the constitution of this Court as a London Court they had a valid reason for their objections; but if they only wanted to know whether the whole jurisdiction of the Court were to be a metropolitan or a local jurisdiction, the latter question was one which the Committee would be quite competent to discuss at a future stage of the Bill. If a local and inferior jurisdiction were created for the provincial business, he did not apprehend that any difficulty would be felt in putting the local Courts into communication with the London Court, or that the particular question of the Judges of the London Courts would offer any obstacle in the way of satisfactory arrangements for the local Courts. The Committee, however, were not now upon the question whether the County Courts should be empowered to deal with such cases. Before he acquiesced in such a proposition, desirable as on some accounts it would be, it must be shown that the Judges of those Courts were not merely competent, but also had the leisure and opportunity necessary to enable them to transact this business. He believed that some of these Judges, sitting as they usually did without the aid of juries, and acting as judge, jury, and council in the cases before them, had their time so occupied that it would be impossible for them to undertake this difficult and important business. That question would arise upon a subsequent clause; but as a good deal had been said of the incompleteness of the measure as it stood, he wished the Committee to reflect that "rich" and "poor" were comparative terms. If the expense of obtaining a divorce were £1,000 and Parliament reduced the amount to £500, although it would not have done all that would be desired or that might ultimately be possible, yet Parliament would still have amended the law, and would have extended to a larger number of persons a privilege that had hitherto been confined to a few. There seemed to be a great and natural desire for final legislation on the subject; but in the speech of the noble Lord (Lord J. Russell) there appeared to him to be some confusion between two essentially distinct things. He would admit that it would be a great evil and misfortune if they were to have discussions year after year upon the principle of the present Bill, or the causes for which divorce should be granted. It was most desirable to deal with that question once for all; but as not a single voice had been raised in Parliament for extending divorce for any cause except that recognized by the Bill, he did not expect to hear that question raised hereafter. With regard however, to the particular composition of the tribunal which was to adjudicate upon these cases, he did not see that any injury would be done if Parliament were called upon hereafter to alter or amend the constitution of a Court, the business of which it was admitted on all hands it was impossible at present to estimate. If there were any doubt about the number of cases that would arise under the Bill the wisest course would be to limit the constitution of the Court as far as possible. If the judicial strength of the new Court were found to be insufficient nothing would be easier than to add to it, but if on the other hand they began with a large judicial establishment it would not be equally easy to reduce the number of Judges, because an adequate provision must be made for those who were removed. Entertaining those views he felt disposed to support the clause as it stood.

Sir WILLIAM HEATHCOTE said, that the remarks which had fallen from the noble Lord who had just spoken would, if carried to a practical issue, render it impossible for those who disapproved the constitution of the new Court to assent to the passing of the clause in its present shape. His right hon. Friend the Secretary for the Home Department had, it was true, given a promise to the effect that the Government would be prepared at a later stage of the discussion to bring up a clause to vary the constitution of the proposed tribunal [Sir G. Grey: To enlarge it]; but after the observations which the noble Lord had made, it was, he thought, a matter well worthy of consideration whether any hon. Member ought to concur in the adoption of the clause unless he were satisfied with the form in which it had been laid before the Committee.

Mr. W. EWART said, he wished to express his disapproval of a composite Court such as that which the clause proposed to establish, as well as of the suggestion which had been made to transfer any considerable portion of the business with which the new tribunal would have to deal to the County Court Judges, whose time was already very much occupied, and who from the nature of the duties which they had to perform could not be fairly supposed to be very well qualified for the decision of the particular class of questions which would arise under the operation of the Bill. He was, at the same time, desirous that the benefits which the Bill had been framed to confer should be extended, as far as possible, in a downward direction; and, in order to carry out that view, it might, he thought, be found expedient to appoint a Judge Subordinate to the Judge Ordinary of the new Court, who would be empowered to go into the country and dispose of those matrimonial causes which might arise there; thus saving the poorer class of suitors the expense and inconvenience which a trial in London must inevitably involve. He had only to say, in conclusion, that he should support the clause, although he was of opinion that it stood in need of considerable amendment.

Mr. BOWYER observed, that he thought the discussion in which the Committee was engaged would tend to undeceive the public with respect to the assertion which had been so often repeated, that the measure under their notice was essentially a poor man's Bill. Looked upon in that light, the Bill was, he maintained, a sham; and if the Government was desirous to make it in reality that which it was said to be, they must be prepared to extend to the Judges of the County Courts jurisdiction in matrimonial causes. It had, indeed, been suggested that the County Courts should be made ancillary to the new tribunal, and that evidence taken before the Judges of these courts should be transmitted to the Court in London before a final decision upon the merits of a particular case could be arrived at. That however he could not help regarding as an extremely unsatisfactory mode of proceeding, inasmuch as the Judges in the Metropolis would have to pronounce an opinion upon the case without the advantage of seeing or hearing the witnesses who might have given their testimony before the inferior tribunal. If, then, the Bill were in reality that which it professed to be—a poor man's Bill—the Judges of County Courts should be empowered to grant a dissolution of the marriage tie; and if that were done what extraordinary facilities for obtaining divorces would not, he would ask the Committee, be afforded? To what an amount of collusion might not such a course give rise? If, for instance, among the poorer classes a husband and wife wished to get rid of one another, what could be easier for them than to qualify themselves in some way or another for obtaining a divorce, and then to proceed to a County Court and have their wishes carried into effect? The result, in short, would be that a suit for a divorce would soon be looked upon as a proceeding of little more importance than an action for the recovery of a sum of £5. The country would be deluged with such suits, and the House of Commons would rue the day when it had passed a measure by which such a state of things would be brought about. Having said thus much with respect to the probable operation of the Bill, if it were framed so as to be in effect a poor man's Bill, he would beg to call the attention of the Committee to the curious nomenclature with which it abounded. The Judge of the new Court, for example, was styled a "Judge Ordinary," but for what reason he could not understand. The "Judex Ordinarius" of the civil law was so called to distinguish him from the "Judge Delegate," but in our legal system no distinction of that nature existed, and, in fact, the term "Judge Ordinary" was altogether unknown to our laws. He had objected to the new tribunal being called a "Court of Marriage," because he did not deem that either to be an appropriate designation, and he was equally opposed to the substitution of the words "judicial separation, which were perfectly new to the law of this country, for the words "divorce *a mensâ et thoro*" which were familiar to our legal institutions. These were, however, but a few of the many objections which he entertained to a measure, which to discuss properly would involve the prolongation of the Session for a period of two months to come.

MR. MACAULAY said, that the question really at issue related to the constitution of a Court, which was to discharge duties that had hitherto been undertaken by the Legislature itself, and which was also to hear appeals from the Judge Ordinary. In his opinion, however, the Government had laid themselves fairly open to the remarks which had been made in reference to the assertion that the Bill was a poor man's Bill, by the injudicious use which they had made of that claptrap observation. The fact would be found, he believed, to be that in nine-tenths of those cases in which grounds for a divorce might exist among the poorer classes they would practically be deprived of all relief under the operation of those provisions of the Bill which enacted that the proof of connivance, and want of due care should be a bar to the obtaining of a remedy. He would vote for the clause, because he thought that a capable and dignified Court established in London was preferable to a wretched itinerating tribunal, the arrival of which in each town would be hailed with ridicule and contempt. At the present moment no person could contest the title to a rood of land or bring an action for libel without coming to London, and he saw no hardship in people being compelled to resort thither for the settlement of such important causes as those contemplated by the present Bill.

MR. DRUMMOND said, he wished to ask, as a matter of form, whether it would be possible, supposing the clause was carried as it stood, to amend it at a subsequent stage?

THE CHAIRMAN replied, that it would be competent to any hon. Member to propose the Amendment of the clause upon the bringing up of the Report.

MR. DRUMMOND: In Committee?

THE CHAIRMAN: No.

MR. BUTT said, that the clause as it stood proposed that certain persons should be the Judges of the new Court. The Home Secretary told those who objected to the constitution of the Court to pass the clause, and amend it on a future occasion.

SIR GEORGE GREY observed, that what he had said was, that they proposed that the clause should then be affirmed as it stood, and that, if they should hereafter think they could devise a better tribunal they should introduce a new clause in Committee for the purpose of effecting that amendment. The House, if it should agree to a new clause might strike out the present one on the bringing up of the Report.

MR. BUTT said, he must assume that the right hon. Baronet had in his own mind a process by which the clause could be amended without amending it; but he, for one, could not understand it. The clause proposed that the Lord Chancellor and four other persons should be the Judges of the new Court. Supposing that when they came to the end of the Bill the Committee should think that those persons ought not to be the Judges, he wished to know whether it would be competent to the Committee, having passed the clause, to agree to another clause, saying that five other persons should be the Judges of the Divorce Court?

THE CHAIRMAN said, there could be no doubt that it was in the power of the Committee to pass the clause now, and then upon the Report to strike it out and substitute another and an entirely different clause.

MR. GLADSTONE: Have you ever known an example of such a proceeding on the part of a Committee of this House?

THE CHAIRMAN: An example of that kind has certainly not occurred within my experience.

MR. BUTT said, that he might as well state at once that he intended, if allowed by the rules of the House, to propose at the end of the Committee that certain persons different from those nominated in the clause should be the Judges of the Divorce Court. In the meantime he was anxious to know whether, if he permitted the clause to pass now, the Chairman would call him to order when he came to submit the proposition which he had indicated?

SIR GEORGE GREY had no hesitation in saying that if the hon. and learned Gentleman thought that the Lord Chancellor and the three Chief Justices should not be the Judges of the new Court, he ought to vote against the clause.

MR. WHITESIDE said, he felt the force of that remark, and thought it would be disgraceful for the House of Commons to pass a clause which it intended to expunge at a subsequent stage. The Government had no right to bring forward a clause by which they did not mean to abide. It was only the other night that the Attorney General expressed his disapproval of the Court as constituted by Clause 8, and as he understood, engaged to create a working useful Court—in fact, "one good Court instead of three bad ones." It was now universally admitted that the clause would not answer, and there was an impression in the House that the hon. and learned Gentleman the Attorney General would, in accordance with his promise, bring in another clause to let in a wider range of Judges. No one at all acquainted with the profession believed that three Chief Justices could be got to sit with the Judge of Probate. He would be no party to passing the clause in the delusive hope that the Government would find a better clause to substitute for it, and, therefore, adopting the advice of the Home Secretary, he would vote against the clause.

Question put, "That Clause 8 stand part of the Bill."

The Committee *divided*:—Ayes 105; Noes 71: Majority 34.

Clause *agreed to.*

Clause 8, Authority of the Judge Ordinary.

MR. HENLEY said, he rose to ask the hon. and learned Attorney General a question with regard to suits for nullity of marriage. It was true that those suits were not of frequent occurrence, but they involved serious consequences as regarded the legitimacy of children, and he wished to know whether under the clause as it at present stood those suits might not be heard by the Judge Ordinary alone.

THE ATTORNEY GENERAL said, that a very serious question might arise as to suits for nullity of marriage, but he was not quite prepared to state whether by the Bill, as it at present stood, those suits might not be heard by the full Court. There was a subsequent clause upon which the question might be more fully discussed.

MR. HENLEY said, that at present those suits were first brought in the Consistory Court, from which there was an appeal to the Court of Arches, and from that to the Privy Council; but if the Bill gave power to the Judge Ordinary, as it appeared to him that it did, to decide in those suits, the only appeal would be to a Court consisting of himself and two other Judges, and he could not think that in such cases that court of appeal would be satisfactory to the suitors.

MR. GLADSTONE said, he would be

glad to know if it was the opinion of the Attorney General that suits for nullity of marriage should be heard by the full Court? If the hon. and learned Attorney General thought that such suits ought to be placed under the same restrictions as suits for the dissolution of marriage, no doubt he would make proper provision for that purpose.

The ATTORNEY GENERAL said, that it was clear that the exceptions in the present clause to the authority of the Judge Ordinary did not include suits for nullity of marriage.

Mr. GLADSTONE remarked, that if it was felt that such suits should be heard by the full Court, the proper time to provide that that should be the case was upon the present clause, which laid down the distinction between the jurisdiction of the Judge Ordinary and that of the full Court, and he would therefore suggest to the right hon. Gentleman the Member for Oxfordshire to move the insertion of words which would carry out the view which he entertained upon the question.

Mr. HENLEY then moved the insertion of the words so as to include suits for nullity of marriage among the suits excepted from the jurisdiction of the Judge Ordinary.

Motion made, that the words "or annulling" be inserted after the word "dissolution."

Mr. AYRTON said, he thought some explanation was required of the language of the clause taken in conjunction with the words of the 10th clause. The Judge of the Court of Probate was to have full power to hear and determine all matters excepting petitions for dissolving marriage, and the 10th clause provided that all petitions for dissolution of marriage should be heard by the full Court. He wished to know whether it was intended that not only petitions, but all incidental proceedings attaching to such petitions, should be heard by three Judges, or was the petition to be finally heard only when sentence was pronounced? He could not understand how three Judges could be required to decide upon interlocutory matters.

Mr. COX remarked, that he did not think there was any such difficulty as the hon. and learned Gentleman had suggested. He agreed with the right hon. Gentleman the Member for Oxfordshire, that if it was necessary to exempt from the decision of a single Judge petitions dissolving marriage, petitions for annulment of marriage should also be exempted.

The ATTORNEY GENERAL said, suits for nullity of marriage would frequently lead to issues, and if that issue were followed up by an application for a new trial, which application, under the words of the clause, must be heard by the full Court, he thought it would be better, perhaps, to adopt the proposition of the right hon. Gentleman, and to insert the words "or annulling." With respect to the objection of the hon. Member for the Tower Hamlets (Mr. Ayrton), he understood that according to the Bill as it stood the petition in the first instance would be of an informal and inexpensive character. If it were opposed there would be a trial directed. The Judge Ordinary would have power to hear the preliminary application and to make an order for a trial, but the ultimate decision after trial could only be made by the full Court.

Mr. MALINS said, he was rather alarmed at the idea which the hon. Gentleman seemed to entertain, that there could be any unopposed petitions for divorce. It might be that a husband asked for a divorce, to which the wife made no objection, but it would be the duty of the Court in the interests of public morality to investigate such an application. The Attorney General put the case of a husband petitioning for a divorce, his wife having run away to a foreign land, neither she nor the paramour appearing in Court; what should be done in such a case? It became a petition with no opponent, which the Court would deal with as it might think fit, of course requiring evidence to be given; but it could not send such a case for trial. The final order dissolving the marriage in such cases must be made by the full Court.

Mr. HENLEY asked whether the full Court of three Judges was to make a decree and determine the cause without hearing it. Who was to take evidence in cases where there was no opponent—the Judge Ordinary or the three Judges? Greater care should be taken in cases where there was no defence than even in cases where persons appeared to defend themselves. In the House of Lords they always heard the evidence.

The ATTORNEY GENERAL repeated, that the question of fact would be tried before a jury upon an order to that effect made by the Judge Ordinary. That was in contested cases. If, however, no respondent appeared the case became uncontested; but he imagined it would still be the duty of the Court to take evidence to satisfy itself as far as possible of the fact of the adultery, and that being done, the Court would proceed at once to pronounce sentence of divorce. He understood the clause to signify that such evidence must be heard before the full Court which would pronounce the sentence.

Mr. GLADSTONE said, he admitted the explanation of the hon. and learned Gentleman was intelligible enough, but it did not appear to harmonize with the words of the clause, which seemed to prescribe that all proceedings for dissolving marriage should be before the full Court.

The ATTORNEY GENERAL said, the words of the 10th clause were that all petitions for dissolving a marriage should be heard before the full Court. The order for giving a preliminary inquiry was not a determination of the petition.

Mr. GLADSTONE remarked, that the words in the 10th clause were that petitions should be heard by the three Judges, while those in the 9th clause appeared to show that the exceptions were to be heard by the Court.

In reply to an Hon. Member,

The ATTORNEY GENERAL said, all formal proceedings with regard to the dissolution or annulling of marriages would be decided in the new Court, where every suit would originate by petition.

Mr. BOWYER said, he wished to warn the House that if they abolished all the pleadings of the Ecclesiastical Courts great confusion might be created. Before proceeding further they should have some explanation of what was to be substituted for the present pleadings. He objected also to the introduction of the words "or annulling," as improper words. The phrase should be "or nullity." The word "annulling" implied that the Court annulled the marriage, whereas they could only declare that the marriage was a nullity.

Mr. WALPOLE said, it was a mere dispute about words. The words, however, used in the 105th canon were "dissolved or annulled."

Mr. GLADSTONE said, they appeared to be synonymous terms.

Mr. WALPOLE said, he was glad to hear his right hon. Friend say so, for thus he hoped to be able to prove to him that the canon approved of dissolution of marriage.

Mr. BOWYER observed, that the canons of 1603 were not law. He would ask the hon. and learned Attorney General whether the Queen's Advocate had seen this Bill, and whether it had been submitted to him?

The ATTORNEY GENERAL said, that if an end might be thus made of the matter, he would propose to insert the words, "a petition for the dissolution or for a nullity of marriage."

Mr. MALINS said, that he had no objection to this proposal, which seemed to him to meet the objection, and to be an improvement in point of composition.

Question, "That those words stand part of the clause" put, and *agreed to.*

Mr. BOWYER said, there were some doubts as to the actual words inserted, and he would be glad therefore to hear from the Chairman the exact result.

The CHAIRMAN said, that the words inserted were "or annulling."

On the Motion of Mr. Napier, words were inserted in the clause reserving to the full Court the hearing of cases of bills of exception, special verdicts, and special cases, in addition to questions of new trials.

Mr. DRUMMOND, in moving the following addition to the clause,—

> "And the said Court shall alone have jurisdiction in all cases where either of the parties to any suits before it is a peer or heir to an hereditary peerage, or where the property settled at the time of their marriage consisted of charges on land of the annual value of ; but in all cases where there are no hereditary peerages in remainder, and where no realty has been settled on the marriage, and where the parties do not reside in London, the said Judge Ordinary shall authorize the Judge of the County Court in the district where the parties reside to try the case, and pronounce a decree for judicial separation"—

said he thought the right hon. Gentleman might have saved himself some trouble if he had read the Amendment formerly proposed, and had considered the difference there really was between a judicial separation and a dissolution of marriage. To a dissolution of marriage he (Mr. Drummond) had been always opposed. It had been said, however, that there were no means of giving relief by this Bill to the poorer classes, except by extending the jurisdiction of the Court. But that was to be obtained not by giving the County Court Judges the power of dissolving marriages, but by confining their powers to granting relief by judicial separation in cases of gross oppression. Now he perfectly agreed that poor and rich were relative terms; and he was quite willing to leave the rich to the Court in London, but his object in proposing his Amendment, was to afford relief to a numerous body of ill-treated people with whose habits and feelings and circumstances he was afraid that the great mass of hon. Members were not so well acquainted as with those of the higher classes. Out of many instances of hardship which had come to his knowledge he would only trouble the Committee with this:—A labourer who had been convicted of poaching fled from home, leaving a wife and three children, one of them at the breast. He was lost sight of and was thought to be dead, and she grew old, being supposed by all to be a widow. Through her exertions to maintain her family she became crippled with the rheumatism, and received relief from the parish. By and by the guardians discovered that her husband was alive and keeping a public-house with some land attached to it in a distant county, cohabiting with a woman who passed as his wife. They told him that he must provide for his wife, but the cunning fellow had taken the house and land in the name of the woman who was living with him. He told his wife that she might occupy a hovel on his land and come to his house for her dinner—a pauper receiving scraps doled out to her by the woman who occupied her place. This woman ought to have had some cheap and easy redress, either in a County Court or at petty sessions, he did not care which.

The CHAIRMAN said, he thought that this Amendment was irregular. It would be better to bring it up as a separate clause at the end of the Bill.

Mr. DRUMMOND said, he would bow to this decision, but he thought that his Amendment only embodied a further description of the jurisdiction of this Court.

Mr. GLADSTONE said, that he thought it was desirable, before passing this clause, they should know what provision the Government intended to make in substitution for the local jurisdictions which now existed in different parts of the country, and were accessible to persons to whom the Bill, by making it obligatory on them to come to London, would be a virtual denial of justice. With reference to the statement made, at an earlier part of the evening, by the Attorney General, with reference to the statistics of Scotch Divorces, he must express a doubt whether more than a portion of those divorces were obtained by persons who could properly be said to belong to the lower classes of the community, and, at the same time, contended that what they clearly showed was that the effect of a central Court was to operate as a prohibition of divorce to persons residing in remote parts of the country. If these statistics were examined, it would be found that the persons who obtained divorces were principally residents either in Edinburgh or its immediate vicinity, or in some of the large towns which had cheap and easy communication with that city.

Sir ERSKINE PERRY said, that the question was most important, and he wished to know whether, by the addition of a few words to make it harmonize with the rest of the clause, the Amendment of the hon. Member for West Surrey might not be so framed as not to come within the decision of the Chairman.

The CHAIRMAN said, that it was impossible for him to answer a hypothetical question; but, as the Amendment of the hon. Member embodied a principle contrary to that which was contained in Clause 9, it could not be added to that clause.

Mr. W. EWART recommeded the postponement of the Amendment.

Lord LOVAINE advocated its immediate consideration.

Lord JOHN MANNERS said, he thought that, as the clause under discussion defined the authority of the Judge in ordinary, the Amendment of the hon. Member for West Surrey was quite in order.

Mr. AYRTON remarked that it was quite impossible to entertain this proviso, which would be more in place if moved as an addition to Clause 10.

Mr. DRUMMOND said, that, to save trouble, he would withdraw his Amendment.

Mr. SOTHERON ESTCOURT said, he hoped that the Amendment would not be withdrawn without an assurance being given by the Government that they would, in some part of the Bill, introduce words to attain the object which was contemplated by it. It appeared to him that if the hon. Member only took the last part of his Amendment—"The said Judge Ordinary shall authorise the Judge of the County Court," &c.—that would harmonize with the clause. He hoped that the hon. Member would receive some pledge from the Government that this subject would be taken into consideration, for the clause, as it stood, took away, instead of granting, facilities for separation.

Mr. DRUMMOND said, he would move his Amendment, as a separate clause, at a later period.

Mr. GLADSTONE observed, that the Committee had been discussing in combination, at different parts of the evening, two distinct questions. One was, the moral obligation contracted by the Government, in consequence of the title of the Bill, and of the promises by which it had been introduced to make divorce *a mensâ et thoro* accessible alike to the different classes of the community. But there was another question apart from the pressure on the Government to make some declaration as to their intentions to provide machinery to give effect to that moral obligation. Under the present law there existed, in the Ecclesiastical Courts, in Carlisle, Chester, York, and other places, a machinery which gave to the middle classes, if not to the poorer, through the medium of local judicature, relief by way of divorce *a mensâ et thoro*, now to be termed judicial separation, and the present Bill, by enacting that that jurisdiction should only be exercised in London, practically took that away. The Committee had, therefore, a right to know what provision the Government meant to make in order not to rob —he could not use a weaker term—the middle and poorer classes of the facility they now enjoyed with respect to sentences of judicial separation.

MR. BARROW said, that the Amendment moved by the hon. Member for West Surrey, was in contradiction to the words of the clause, as the clause gave to the Judge Ordinary business which the Amendment took away. Therefore, the hon. Member ought to negative or modify the clause if he wished his Amendment to be adopted.

SIR ERSKINE PERRY inquired of the Chairman whether it was not competent for the Committee to modify the clause, so as to allow an Amendment, similar in principle to that moved by the hon. Member for West Surrey, to be put?

THE CHAIRMAN said, that there was no opportunity of moving an Amendment now, as the question before the Committee was, "that the clause stand part of the Bill."

MR. HILDYARD said, that, after the repeated requests addressed to the Government to explain their views on the subject just under discussion, their silence, under such circumstances, was not very respectful to the House. If the hon. and learned Attorney General persisted in his silence, it would be impossible that the clause could pass without a division. He trusted that the hon. and learned Gentleman would let the Committee know the views of the Government on this important question.

MR. MALINS earnestly hoped that the Government would express their intention that the County Courts should have nothing to do with the matter.

MR. COLLINS observed, that he conceived that, as the Bill swept away local jurisdiction, in reference to separations, some explanation ought to be given as to whether it was intended to substitute any new local Judges for the existing ones.

LORD JOHN MANNERS said, he had, in an earlier part of the evening, asked whether it was intended, under Clause 12, to send this Court through the country, and he understood, from a shake of the head given by the hon. and learned Attorney General, that it was not the intention of the Government to make the Court a Court of Circuit. A question having been put by the right hon. Member for Oxford University, and the Attorney General having given no reply, the Committee were in darkness as to the views of the Government on the subject which had been under discussion. He ventured to repeat the question which had been put by the right hon. Gentleman, the Member for the University of Oxford, and to invite the Government very respectfully, but very earnestly, to give to the Committee that explanation which they appeared to be so reluctant to afford, but which, in the opinion of every Member unconnected with the Government, it was essentially necessary that they should have.

THE ATTORNEY GENERAL said, that nothing could be further from his desire than to be guilty of any disrespect to the Committee; but he had only to say, that the views of the Government were expressed in the Bill. Those who ran might read, and those who read might understand it. There was, at present, no Amendment to the clause, but he should be happy to consider any Amendment that might be proposed by any hon. Member on either side of the House.

MR. TATTON EGERTON said, that, considering the important principle involved in the clause upon which the hon. and learned Gentleman had been pressed by so many hon. Members to give some explanation, he thought the hon. and learned Gentleman treated the Committee in a very flippant manner, and that this was not the way in which discussions were usually conducted in that House. They had been told by the Attorney General that this was a Bill for sweeping away many Ecclesiastical Courts throughout the country, which had been in the habit of dispensing local justice, and that, everything was, to be transacted, henceforth, in a central Court in London. But if justice were to be brought home to every man's door, as had been said, he thought that it was very desirable to consider whether the power of the Judge Ordinary might not be delegated to other Courts. Unless he could get more information from the Government, he should be disposed to make a Motion for reporting progress.

MR. GLADSTONE said, that his hon. and learned Friend was not warranted in taunting the Committee with slowness of comprehension in respect to this Bill. Although his hon. and learned Friend had told them that the intentions of the Government were expressed in the language of the Bill, surely, they would not always be justified in assuming that to be the case, because, only in the previous clause, with respect to the constitution of the Court, his hon. and learned Friend himself stated that he agreed in the objections which had been taken to it. Therefore, if, in that case, the Committee had inferred the intentions of the Government from the language of the clause, they would have been involved in an egregious blunder. However that might be, he must say that his hon. and learned Friend had now given them a very clear, and, as he thought, a very unsatisfactory, intimation of the intentions of the Government with respect to this clause. He had thought, when the answer of the Attorney General was so long delayed, that possibly the opinion of the Government might not have been fully decided, and that they had not sufficiently considered the means by which they would provide a substitute for the local machinery which they were going to sweep away; but now the Attorney General had told them, only too distinctly and intelligibly, that they were going to destroy that local machinery, and to deprive persons all over the country of the power of obtaining ecclesiastical divorce in the provinces. This was a most important point, and he must again direct attention to the information received from Scotland, from which the inference was, that, as regarded the mass of the Scottish people, the Central Court was absolutely cut off from them. Were they going to do the same thing in England? It appeared to him that such was the intention of the Government, and that the clause under discussion was intended to give form and effect to that resolution. He, for one, was entirely opposed to the centralization of these operations, because it was withholding from the community a privilege of which they were, at present, in actual possession, and to which they were, on every ground, entitled. He, therefore, called on the Committee to oppose the clause, and to protest against a proposition so unjust.

VISCOUNT PALMERSTON said, that nothing was more surprising than the changes which came over the minds of men. He had listened to most eloquent speeches from his right hon. Friend who had just sat down, upon the immorality of divorce, and now forsooth he was indignant that the Bill did not give greater facilities for obtaining it. His hon. and learned Friend the Attorney General had been blamed for not explaining the views of the Government, whereupon he very properly said that those views were clearly explained in the clause before the Committee. The proof, that there was no doubt as to the intention and effect of the clause, was pretty evident from the intimation of his right hon. Friend that it would restrict in some degree facilities which were not much availed of, but which might be availed of for separation *a mensâ et thoro*. Undoubtedly there was considerable difficulty with respect to this matter. On one hand the arrangement of the Bill certainly did technically limit the facilities which might under the present state of the law exist; but, on the other hand, he thought that most hon. Gentlemen who had taken part in the discussion seemed to agree that it would not be desirable to give to County Courts the power of granting judicial separations, and he must say that he could not in his own mind think it very desirable to afford great facilities for those separations. The position in which man and wife were placed by these judicial separations was a most objectionable one, and if marriage were dissolved at all, he thought that it should be dissolved altogether, that the parties should be entirely set free, and that they should be able to contract other engagements. He thought that parting man and wife by these judicial separations placed both of them in situations of great temptation, where they were liable to form connections which it was not desirable to encourage. There could be no doubt as to what was the meaning of the clause. The Government thought on the whole that it was the best arrangement that could be made. No Amendment had been suggested, and the question now being that the clause stand part of the Bill, those who wished to propose Amendments had let the opportunity go by. Under these circumstances he asked the Committee to support the clause as it stood.

Mr. HENLEY said, that he must congratulate the Committee on having now, at all events, heard a frank explanation; but he did not think that the noble Lord was equally frank when he endeavoured to represent the right hon. Gentleman the Member for the University as at one time calling out for increased facilities of divorce, and then as opposed to divorce altogether, because the noble Lord knew that what the right hon. Gentleman was contending for was, that they should not take away the facilities which now existed for judicial separations *a mensâ et thoro*, while at the same time he was not desirous to extend the facilities for the dissolution of marriage. The noble Lord very adroitly chose to mix up these two things together for the sake of getting up a little bit of claptrap against the right hon. Gentleman. He said now that in the deliberate opinion of the Government it was desirable to restrict the facilities at present existing for procuring the lesser separation. The country, therefore, had now to understand for the first time that judicial separations were not to be encouraged, and that what the Government wished to give facilities for was dissolution of marriage in order that the parties might obtain—he forgot the exact phrase used by the noble Lord—other enjoyments. This was a very good sample of the downward course which the noble Lord opposite (Lord J. Russell) said we were taking.

Mr. HARDY said, he thought it much to be regretted that the Committee should only just have learned the intentions of the Government, because he ventured to say that the noble Lord (Lord J. Russell) had left the House under the belief that it was intended to introduce words which would give additional facilities for judicial separations in the country. The Court, however, was to be so constituted that there could be no circuits, because the Judge of the Probate Court could never leave London. There was, therefore, no provision for any local jurisdiction of any kind, and all causes must come before one central Court in the Metropolis. Now, he did not say that the County Court Judges were the proper persons to exercise this jurisdiction. He was, indeed, very much of a contrary opinion; but he thought the Government were bound not to look to one or the other side of the House for Amendments, but that it was their duty to provide qualified local jurisdiction, and not to confine such benefits as were conferred by the Bill to those who resided in the city of London or the neighbourhood. He should not be prepared to vote for the clause, unless the Government would undertake to give local facilities for obtaining not only a judicial separation, but also a divorce *a vinculo*.

Question put, "That Clause 9, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 139; Noes 80: Majority 59.

Clause *ordered* to stand part of the Bill.

Clause 10. (Petitions for dissolving a Marriage and applications for new Trials should be heard before three Judges.)

The ATTORNEY GENERAL proposed to insert the words "or for nullity of" after the word "dissolving."

Mr. GLADSTONE respectfully submitted, that the expression "petition for nullity of marriage" was rather unintelligible.

Mr. BOWYER said, he hoped that, as the clause would abolish the existing system of procedure in the Ecclesiastical Court, the Government would give further consideration to it.

The ATTORNEY GENERAL said, the country would be benefited by the abolition of the prolix, extortionate, and extravagant system which at present obtained in that court.

Mr. BOWYER remarked, that he would not object to the Judges being empowered to modify the system of pleading and reform all things that required reform, but it was a very different thing to abolish it altogether. That ought not to be done in an off-hand manner, because the system had been formed in the course of many centuries, during which some of the ablest Judges that this country had produced presided in the Ecclesiastical Court. It might need some reform, but so did the Court of Chancery.

Mr. MACAULAY suggested that, inasmuch as the phrase "suit of nullity of marriage occurred" in the 6th clause, similar phraseology should be used in the clause now under discussion.

Mr. PULLER said, the Bill all through assumed that the proceeding was by petition, and he would suggest that that word should be retained in this clause.

The ATTORNEY GENERAL withdrew his Amendment for the purpose of proposing that the clause should run thus—"all proceedings for a dissolution or for a sentence of nullity of marriage, &c."

Clause, as amended, *agreed to*, as was also Clause 11.

Clause 12. (The Court of Divorce and Matrimonial Causes shall hold its sittings at such place or places in London or Middlesex, or elsewhere, as Her Majesty in Council shall from time to time appoint.)

Mr. BUTT said, he wished to raise the question of the desirability of preserving in some form the existing local jurisdictions with respect to divorce *a mensâ et thoro*, and therefore he should propose to add words the effect of which would be to give to the County Court Judges in every county in which the superior Court of Divorce and Matrimonial Causes was not sitting the power of decreeing a judicial separation, subject to the right of appeal to the superior Court.

The CHAIRMAN said, the same objection applied to the Amendment proposed by the hon. Gentleman as to that of the hon. Member for West Surrey (Mr. Drummond)—namely, that it was irrelevant, and he could not therefore put it to the Committee.

Mr. LYGON said, he thought the clause under consideration was not one to which the Attorney General's remark, that "he who ran might read," was applicable, and he should like to hear from the hon. and learned Gentleman what was meant by the Court holding its sittings "in such place or places in London or Middlesex, or elsewhere, as Her Majesty in Council should from time to time appoint?"

Lord LOVAINE said, he also wished to ask the hon. and learned Attorney General if there was any intention on the part of the Government that the new Court should sit at any time at any other than places in London or Middlesex?

Sir ERSKINE PERRY said, though he had heard with pain from the noble Lord at the head of the Government something like an intimation that there was to be no substitute for the present local jurisdictions, he thought that was not the proper time for discussing a question so important.

Mr. GLADSTONE said, that after the decision of the Chairman, that the Amendment proposed by the hon. Member for Youghall (Mr. Butt) was irrelevant, he did not know whether it was open to him (Mr. Gladstone) to recur to that decision; but certainly, after that, if he had any Amendment to propose on a point of principle he should do it with fear and trembling. He thought if it were possible for the Chairman to define the principle on which he had decided that the Amendment of the learned Member (Mr. Butt) was irrelevant, it would be useful to the Committee. With his (Mr. Gladstone's) own knowledge and experience he confessed he thought the Amendment in question was in accordance with the principles usually acted on in Committee of the whole House.

The CHAIRMAN said, he was not aware that he was called on to do more than state the rules of the House as well as he could when he thought the occasion arose for his doing so. It was the practice constantly acted upon when an Amendment was proposed which contained matter irrelevant to the clause it sought to amend, or when it embodied a principle distinct from that contained in the clause, to rule that it should be brought up at the end of the Bill as a separate clause, and in accordance with that practice he had decided that it was not competent for the hon. and learned Member (Mr. Butt) to propose the Amendment in question.

Lord JOHN MANNERS said, he would repeat the question which had been previously put, and ask the Attorney General whether it was the intention of the Government that the new Court of Divorce and Matrimonial Causes should at any time sit in any other part of England than London and Middlesex?

The ATTORNEY GENERAL: It is not at all intended that the Court of Divorce and Matrimonial Causes shall be an itinerant Court. That will be an effectual answer to the question which has been so often put.

Mr. WHITESIDE said, that what was in the mind of the Attorney General was one thing, and what was specified in the clause was another. He would suggest that, if it were not intended to make the Court erratic, they might make it fixed by dropping the words "or elsewhere."

The ATTORNEY GENERAL said, it might be convenient to hold the Court in Surrey.

Mr. WHITESIDE moved the omission of the words "or elsewhere."

Mr. HENLEY said, he hoped the Committee would not agree to strike out the words, because it might be assumed that the Committee thought there ought to be no local jurisdictions; whereas, if the words were retained, they would enable the Government to remedy any inconvenience which might be found to result from want of a local Court. He was afraid such a power would not be used; but, at all events, the words show a reasonable belief on the part of the Committee that there would be no local jurisdictions.

Mr. HILDYARD said, he was in favour of the words being struck out, in order to deprive the Government of the opportunity of meeting a proposition to have local jurisdiction, by saying that the words of the clause enabled Her Majesty to send the Court to any place where it was required. From the very constitution of the Court, it was impossible for it to sit elsewhere than in London or Middlesex, or the immediate vicinity of the Metropolis.

Sir WILLIAM HEATHCOTE hoped the words would not be struck out, as their omission would prevent the Court sitting where, from unforeseen circumstances, it might be required. He thought, moreover, that the power of the Crown in this respect ought not to be restricted.

Mr. WHITESIDE *withdrew* his Amendment.

Clause *agreed to.*

Clause 13 (Seal of the Court).

Sir WILLIAM HEATHCOTE said, it was important the clause should have some meaning. At present the words were:—

> "The Lord Chancellor shall direct a seal to be made for the said Court, and may direct the same to be broken, altered, and renewed at his discretion; and all decrees and orders, or copies of decrees or orders, of the said Court, sealed with the said seal, shall be received in evidence as conclusive proof thereof."

Mr. DRUMMOND said, it was a question of grammar, of which the framers of the Bill appeared to be ignorant. What on earth was the meaning of the word "thereof?"

Mr. LYGON said, it was rather hard that the bad grammar of the Government should go forth as the grammar of Parliament.

Sir WILLIAM HEATHCOTE said, he presumed the clause meant that copies sealed should be evidence of the existence of decrees. As it stood they were to be proof of nothing but the existence of the seal.

The ATTORNEY GENERAL remarked, that he would be exceedingly glad to make a sacrifice of the last four words.

Mr. Henley

The words "as conclusive proof thereof" were struck out.

Clause *agreed to.*

Clause 14 (Registrars shall attend the sittings of the Court).

Mr. HENLEY said, he wished to ask whether registrars, who would have daily business to do under the testamentary jurisdiction of the Court of Probate could without inconvenience be taken from those duties?

The ATTORNEY GENERAL said, the Court of Probate would not be sitting when the Court of Divorce was sitting, because there was only one Judge, and only one registrar would have to attend the Court.

Mr. MALINS said, there was no Court of Probate at present, although there might be one.

The ATTORNEY GENERAL said, care would be taken to have Her Majesty's assent given to the Probate Bill before it was given to this Bill.

Clause *agreed to.*

Clause 15 (Practitioners).

Mr. WARREN *moved,* that the Chairman should report progress. It was twelve o'clock. They had been discussing this Bill for six hours, and had been engaged in attendance for twelve hours.

The ATTORNEY GENERAL said, this was a clause which he intended to alter in conformity with the agreement entered into the other night, and in pursuance of which the House was aware that he had already added the required Amendments to the Testamentary Bill. He trusted, therefore, that the House would go on a little further until they came to Clause 18.

Mr. WARREN said, that he would withdraw his Motion now with the consent of the Committee, and renew it when they reached section 16, which related to an entirely new branch of the subject.

Motion, by leave, *withdrawn.*

A verbal Amendment having been proposed in the clause, to extend the right of practising in the Court to "all barristers, solicitors, and attorneys,"

Viscount GODERICH asked, whether the Attorney General intended to introduce compensation clauses at a subsequent stage?

The ATTORNEY GENERAL said, it came within the spirit, if not within the letter of the agreement entered into the other evening, that compensation clauses, in respect of the matrimonial business of the proctors, should, at a future stage, be inserted on the same principle as the corresponding clauses of the Testamentary Bill.

MR. GLADSTONE said, he thought it would be better to remodel the clause than pass it and then introduce the proposed Amendments, for that course would leave it in a very clumsy and imperfect form.

MR. WARREN said, he did not think the clause with the Amendments, if passed in its present shape, would be satisfactory.

MR. HILDYARD remarked, it would be better to postpone the clause.

THE ATTORNEY GENERAL said, he admitted that the phraseology might be abbreviated and improved; but he would undertake, if the clause were now passed, to draw up a form of words that would better express its object and intent.

MR. HADFIELD asked, whether the Admiralty business, in addition to the probate and matrimonial business, was not to be thrown open to the general practitioner?

THE ATTORNEY GENERAL said, he hoped to introduce in another Session a Bill for throwing open the Court of Admiralty. That subject could not, however, be entertained at present, as it was not before the Committee.

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill.

MR. WARREN moved, that the Chairman report progress.

THE ATTORNEY GENERAL said, he would assent to that course on the understanding that they should resume the Committee on the Bill at twelve o'clock at noon to-morrow.

MR. MALINS said, he must protest against such a proposal as most unfair. The Select Committee appointed to inquire into the construction of an Act of Parliament affecting the Jews, on which a large number of hon. Members were engaged, was to sit to-morrow.

LORD JOHN MANNERS said, he would beg to inquire upon which of the two Committees they were to expect the assistance of the hon. and learned Attorney General to-morrow ?

MR. HENLEY remarked, that he did not think that the Government could be serious in suggesting that they should go on with this Bill at a morning sitting. None of the most important clauses of the measure had yet been discussed.

MR. MALINS said, he wished to give notice that, if the Attorney General persevered in his intention to proceed with this Bill at twelve o'clock to-morrow, he should feel it his duty to attend in his place and expunge as many of his clauses as he could.

MR. GLADSTONE said, that, as a member of the Select Committee which had been referred to, he could not attend in two places at once. He thought, moreover, that an arrangement proposed by a certain hon. and learned Gentleman within the last few minutes was not at all consistent with one which he had made in another place. He (Mr. Gladstone) could not of course allude to anything that had taken place in the Committee on Oaths.

THE ATTORNEY GENERAL said, it was impossible to resist the appeal made to him by his right hon. Friend, although he had himself contemplated being in that House and elsewhere at the same time to-morrow. He would admit, however, that this was a difficult operation, and he would propose that they should go on at six o'clock to-morrow evening.

The House resumed. Committee report progress; to sit again *To-morrow.*

CONSTABLES (DETACHED PARTS OF COUNTIES) BILL.

WITHDRAWAL OF BILL.

Order for Third Reading read.

SIR GEORGE GREY said, that, owing to certain representations and objections which had been made from different parts of the country, he wished for a little more time to mature some details with reference to this Bill, and consequently he felt himself obliged to postpone it for another Session. He should therefore move that the Order for the third reading of the Bill be discharged.

SIR JOHN PAKINGTON was understood to regret the necessity for such a step ; but he hoped that, when the Bill came next before them, it would be with its provisions much more extended in the same direction.

Order *discharged.* Bill *withdrawn.*

PRISONERS' REMOVAL BILL.

WITHDRAWAL OF BILL.

Order for Second Reading read.

SIR JOHN BULLER, in moving the second reading of this Bill, said it was simply an enabling Bill. At present Her Majesty had power to order the removal of prisoners under sentence of hard labour from one gaol to another. Now the object of the present Bill was to extend that power, and to enable one of the principal Secretaries of State to order the removal of prisoners under sentence of hard labour not merely from one gaol to another, but from within the four walls of a prison to the hulks, or to some public works. The idea was, that such an arrangement would be highly useful to the prisoners themselves, inasmuch as, under the present system, they reaped no advantages, either mental or bodily, but came out worse members of society than when they went in. He really thought the experiment was worth a trial; but of course, if the right hon. Gentleman the Secretary for the Home Department objected to the Bill, he should not think of pressing it.

SIR WILLIAM JOLLIFFE said, he would second the Motion, and, in doing so, he begged to remind the right hon. Gentleman the Secretary for the Home Department that the Bill had passed through all its stages in the other House, and had been accepted almost without discussion. The measure would, he firmly believed, work most beneficial effects, and it had been suggested by persons of matured experience in such questions.

MR. MASSEY said, he regretted he could not consent to the second reading of the Bill. Its object was to enable the Secretary of State to transfer prisoners sentenced to short periods of imprisonment to the convict prisons, either at Portsmouth, Bermuda, or elsewhere, and which were established for the retention of prisoners sentenced to longer and more severe periods of imprisonment. The fact was, the Bill confounded two classes of prisoners—those committed for short terms and those sentenced to transportation or penal servitude. It gave power to the Secretary of State to aggravate the punishment instead of mitigating it, which at present was the only power he possessed. It also was objectionable to transfer the prisoner to the convict prison or station before he had undergone the probationary discipline which in the case of persons sentenced to penal servitude or transportation was required to be undergone.

SIR JOHN BULLER said, that as he found the Government were opposed to the Bill, he thought that at this period of the Session, he should act judiciously in withdrawing it.

Order *discharged :*—Bill *withdrawn.*

Sir John Buller

WILLS, &c., OF BRITISH SUBJECTS ABROAD BILL.—THIRD READING.

Order for Third Reading read.

SIR FITZROY KELLY moved the third reading of this Bill, suggesting that any Amendment which the Government might wish to make should be introduced in the other House.

THE ATTORNEY GENERAL said, he desired to promote the object which his hon. and learned Friend had in view, but not by the means of machinery which would defeat its object by placing our Courts in antagonism with foreign jurisdictions. He was willing to give Her Majesty power to negotiate treaties with foreign powers whereby British subjects abroad should be empowered to make their wills according to the law of this country, and whereby foreigners residing here should be able to make wills according to the French law. Her Majesty should then have power to make that the law by proclamation; and that being done, the property of British subjects, whether at home or abroad, would be distributed on the same principles by both Courts, and the wills made by them would be recognised equally by both; but in the absence of everything like reciprocity he could see no advantage in allowing British subjects residing abroad to make testamentary instruments in accordance with our law. There was an important point, too, in which the Bill was wholly defective. At present, if an Englishman died in France, or a Frenchman died in England, with property around him, but having none of his relatives with him, there was no rule as to who should take possession of that property and preserve it for distribution amongst the rightful heirs. As this Bill stood, then, there was no adequate remedy for the evils which it was intended to obviate, and he trusted that under these circumstances his hon. and learned Friend would withdraw it for the present, upon the assurance that he should, in conjunction with his hon. and learned Friend, be prepared to introduce early next Session a measure to accomplish the object which the Bill proposed to effect.

MR. MALINS expressed a hope that the Attorney General would allow the Bill to be read a third time, inasmuch as it was highly expedient that the existing law in reference to those wills of English residents which happened to be made abroad should undergo alteration. If legislation upon the subject were deferred until next Session, the consequence might be very serious, owing to the number of English subjects who were living in foreign countries. At present, if an Englishman died abroad there was danger lest the Courts at home should pronounce, as they had recently done, that he had lost his English domicile. On the other hand, the French lawyer would laugh at the notion that he had acquired a French one; and thus several of these unfortunate persons might in the meantime die without being enabled to dispose of their property to their relatives in this country as they would desire. No State in the world could complain of our saying to our subjects abroad that wherever they might reside, their wills, made according to our forms, should be valid in our own Courts. He hoped the House would pass the Bill as a temporary measure—say, to continue in force one year.

THE ATTORNEY GERERAL intimated his readiness to abstain from all further opposition to the Bill.

Bill read 3° and *passed.*

SUPPLY.—REPORT.

MR. FITZROY having brought up the Report of Committee of Supply,

MR. ADDERLEY said, he would take occasion to state, in reference to the Vote of £40,000 for defraying the cost of executing public works, maintaining educational and benevolent institutions, and promoting civilization among the native tribes in South Africa, that he had given notice that it was his intention to oppose it, but that, not anticipating that the House would have gone into Committee of Supply on a Wednesday, he had not been present when the Vote was proposed the day before. It was not his intention, he might add, to enter into any discussion with respect to it that evening, and his object in rising was simply to ask the right hon. Gentleman the Secretary for the Colonies whether the Vote, which had originally been granted for a period of only three years, would again appear upon the Estimates?

MR. LABOUCHERE said, he could only repeat what he had stated on Wednesday. Sir George Grey, the Governor of the Cape of Good Hope, had asked for this sum for three years, but he had not implied that it would then be unnecessary after that period to call upon Parliament for some assistance for the purpose of promoting civilization among the frontier tribes. He had in fact implied that after three years some assistance from Parliament would be required, because what he had stated was that after that period he did not think it would be necessary to ask for so large a sum. He could assure the hon. Gentleman that he should be glad to see the possibility of a Vote for the purpose discontinued without injury to the wise policy which Sir George Grey had adopted; but certainly he could not assent to checking that policy, for which Sir George Grey deserved infinite credit, by refusing any assistance from Parliament, if such assistance should be necessary.

Resolutions *agreed to.*

LEASES AND SALES OF SETTLED ESTATES BILL.—COMMITTEE.

Order for Committee read.

Motion made and Question proposed "That Mr. Speaker do now leave the chair."

MR. COX said, he regretted that he had not been present to oppose the second reading of the Bill, because it was a measure to which he entertained the strongest objection upon grounds of public policy. It proposed to repeal two clauses of the Act of last year which had been agreed to after careful deliberation and discussion, without anything having occurred since that period to render a change in the law necessary. He denied that the Act of last year was intended solely to apply to an individual. Sir T. M. Wilson had appealed to the law courts on six or seven different occasions from 1829 to 1856, and had always been told that he must hold the property he enjoyed subject to the restrictions which the testator had thought fit to impose. It might be quite true that the successor of Sir T. Wilson could do as he pleased, but that was no reason why Parliament should interfere with the arrangements made by the testator, who expressly excluded the Hampstead property from being built upon. He should move that the House do go into Committee on that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

MR. WHITESIDE said, he had drawn up the clause in such a manner as to entirely remove the Attorney General's objections to the Bill, and he trusted therefore the House would go into Committee.

Question "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

House in Committee.

Clause 1.

MR. AYRTON moved that the Chairman do report progress, in order, as he stated, to take the sense of the Committee upon the Bill.

Motion made, and Question put, "That the Chairman do now leave the chair."

The Committee *divided :*—Ayes 45; Noes 44: Majority 1.

The House resumed.—No Report.

NEW ZEALAND LOAN GUARANTEE BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Guaranteeing a loan of £500,000).

MR. HENLEY objected to the amount of £500,000, and proposed in lieu thereof £320,000. His object in doing so was merely to enter his protest against the proposal as it stood in the clause.

SIR JOHN TRELAWNY said, as he strongly objected to the loan, he should support the Amendment.

MR. LABOUCHERE said, that the feeling of those persons in New Zealand who were the most zealous advocates of the claims of the natives was decidedly in favour of the object of that portion of the loan which the right hon. Gentleman would expunge.

Amendment *negatived.* Clause *agreed to.*

The other clauses of the Bill were also *agreed to.*

The House resumed.

Bill *reported;* as amended, to be considered *To-morrow,* at Twelve o'clock.

METROPOLITAN POLICE STATIONS, &c., BILL.—THIRD READING DEFERRED.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. AYRTON said, an explanation had been promised at the second and third stages of this Bill, but now they were arrived at the fourth stage, and no explanation had been given. He therefore moved that the House be adjourned.

Motion made, and Question proposed, "That this House do now adjourn."

MR. MASSEY said, it was a mere departmental Bill to give powers to borrow money for building stations; and a portion of the Bill was to put a portion of the expense of the police, so far as the police was used for general rather than for mere metropolitan purposes, on the Consolidated Fund. A contribution of £60,000 had hitherto been made from the Consolidated Fund, but the present Bill was to put an additional proportion not exceeding one-fourth of these expenses upon the Consolidated Fund. A third provision was to give power to lay rates on suburban districts as an equivalent for the protection that they enjoyed, and provisions to make up the deficiency in the superannuation fund.

MR. AYRTON said, after this explanation he wished to ask the opinion of Mr. Speaker on a point of order. It appeared that this Bill was to create a charge on the Consolidated Fund, and as there had been no Resolution in Committee of the Whole House to make this charge on the Consolidated Fund, he asked the Speaker whether they were in order in passing the third reading of the Bill?

MR. SPEAKER said, this was a matter which was new to him. With such consideration as he was enabled to give to it, which he could not pretend to say was as perfect as it might be if he had had more time to consider it, it did not appear to him, as far as he could judge on reading the clause, that the preliminary Committee was necessary.

MR. HENLEY said, under these circumstances, he thought they ought to postpone the third reading.

Motion and Original Question, by leave, *withdrawn.*

Third Reading *deferred* till *To-morrow,* at Twelve o'clock.

DUNBAR HARBOUR LOAN BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. A. SMITH said, he must object to proceeding with the Bill at that late hour. He moved that the House do now adjourn.

Mr. WILSON appealed to the hon. Member to withdraw his opposition. The Bill was necessary to meet a case of emergency.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 0; Noes 60.

Mr. A. SMITH said, he must now explain to the House why he objected to proceeding with the Bill. A discussion took place yesterday, and some explanations were promised which had not been given. The Bill was only introduced on the 4th of August, and as he had some Amendments to propose, he thought it only fair that they should not be proposed in the absence of those who had objected to the Bill.

Main Question put and *agreed to*. House in Committee.

Bill *considered* in Committee.

House resumed; Bill *reported*; as amended, to be considered *To-morrow*, at Twelve o'clock.

Notice taken, that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, August 7, 1857.

Minutes.] Public Bills.—1ª Wills, &c. of British Subjects Abroad; New Zealand Loan Guarantee; New Zealand Company's Claims; New Zealand Government Act Amendment; Metropolitan Police Stations, &c.

2ª General Board of Health Continuance; Attornies and Solicitors (Colonial Courts); Municipal Corporations; Burial Acts Amendment; Illicit Distillation (Ireland); Loan Societies; Burial Grounds (Scotland) Act (1855) Amendment; Valuation of Lands (Scotland) Act Amendment; Married Women's Reversionary Interest; Summary Proceedings before Justices of the Peace; Boundaries of Burghs Extension (Scotland); Jurisdiction in Siam.

3ª Canada and New Brunswick Boundaries.

BURIAL ACTS AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Moved, "That the Bill be now read 2ª."

The Bishop of LONDON said, he wished to take that opportunity of entering into a brief explanation with reference to a discussion which had been raised on the introduction of that Bill. The right rev. Prelate, who was more immediately interested in the matter (the Bishop of St. David's) was not able to attend the House that evening as he had intended to have done. The matter had reference to the consecration of the cemetery at Swansea. It was supposed that that right rev. Prelate had, in some way, put himself in opposition to the clergy of his diocese; but the sole object of the opposition made by the right rev. Prelate to the consecration of Swansea cemetery had been, as he (the Bishop of London) understood, to protect the rights of the clergyman of Swansea. As he was informed the cemetery was so distant from the town that it was almost impossible for the clergyman of Swansea to perform the burial service there without great pecuniary loss. The Bishop, considering it to be his duty to do what he could for the benefit of a clergyman whose emoluments in all amounted, as the Clergy List states, to only £290 a year, and who, if he had been obliged to undertake the journey to the cemetery daily would have been subjected to serious pecuniary loss, thought it right to interpose in a manner in which he was fully persuaded that the law authorised him to interpose in order to prevent the loss with which the clergyman was threatened. It had been said publicly that the right rev. Prelate had violated the law; but the Bishop was of opinion —not without reason as it appeared to him (the Bishop of London)—that the very fact of its having been found necessary to introduce a new Bill to alter the law, so as to compel him to consecrate the ground, seemed to show that in the course he had before pursued he had acted in conformity with the law. If the right rev. Prelate had violated the law, it could not be supposed that in his position, or indeed in any position in this country, the law was not strong enough to vindicate itself. There was no individual in the land who was above the law; and he was quite sure that the right rev. Prelate had acted conscientiously in this matter according to his view of what the law was. As there was a common impression that all these difficulties with regard to the consecration of burial grounds originated with the Bishops, it was well that it should be known that in this diocese there was a great cemetery for the City of London, a cemetery for nearly 100 parishes, and that that cemetery had not yet been consecrated—not on account of any difficulty presented by the Bishop of the diocese, but simply because the Burial Board thought that, as intrusted with the public interests, they were entitled to oppose an obstacle in the way of the consecration of that cemetery. Still it would have been regarded as something unfair if he had risen in his place in February last and had stated that the Burial Board of the city of London were violating the law because they availed themselves of that which the law obviously allowed—namely, of their power to place an obstacle in the way of the consecration of that ground, until certain difficulties which they felt should be removed. If he might be permitted, he would say one word with respect to two clauses in the Bill, the 12th and 13th, which had no connection with Bishops or with consecration, but which he believed would have a most injurious effect on the operation of the measure. These clauses introduced the principle of competition between consecrated and unconsecrated grounds. It was of the utmost importance that no such competition should exist, but that the poor should have the opportunity of being buried as cheaply in the one as in the other. In one great parish of the metropolis persons might be buried more cheaply in unconsecrated than in consecrated ground; and in that parish the number buried in the consecrated ground, where the charges were higher, was equal to that buried in the unconsecrated ground. In Marylebone, however, where there were also two burial-grounds, one consecrated and the other unconsecrated, but where the charges were alike, nearly 5,000 had been buried in the consecrated ground to only 30 in the unconsecrated. The result of making burials cheaper in unconsecrated ground would be, as he was informed by a deputation which had waited upon him that day, that the undertakers, who generally contracted for the funerals of the poor, would induce them, sometimes perhaps, by deceit, sometimes by other means, to be buried in unconsecrated ground. He was told that the most revolting scenes had occurred in consequence of this. Only a few days ago a chaplain of one of these cemeteries assured him that it was no unfrequent circumstance for bodies to be exhumed after interment and removed to some consecrated place, when the relations of the poor discovered the fraud which had been practised upon them; or, if the word fraud was rather too strong a one to use, the manner in which they had been misled; and in other cases, where bodies were not removed, still a very strong feeling was displayed. The fact was that the poor wished to be buried with the rites of the Church of England, and it was of great importance that there should be nothing to detract from the solemnity and the proper performance of these rites. If, however, the principle of competition were introduced, a feeling of dissatisfaction would inevitably grow up on both sides; and, in place of adopting such a principle it would be far better to follow the example of Marylebone, making the fees the same for interments in consecrated and unconsecrated ground. This question had a bearing upon the pecuniary interest of the clergy, but it was not with reference to that interest that he was now speaking. He made these observations on account of the unfortunate scenes which, he was assured, occurred in burial-grounds owing to the introduction of the principle which appeared to be embodied in the 12th Clause. He also begged their Lordships to consider that it was the bounden duty of the Bishops of the Church to defend, if they possibly could, the interests of the parochial clergy of this country. Returns lately published would show that the metropolitan clergy had suffered the greatest pecuniary loss in consequence of measures lately adopted with reference to burial grounds. Many, with large families to support, who had devoted their lives to the service of their fellow men, had been reduced almost to destitution; yet they had offered no opposition to these measures, which were believed to be for the public good. He could not help thinking that had they been members of the legal profession, or persons who possessed any great election influence, their interests would have been better attended to, and they would probably have obtained compensation. It was, however, really heart-rending to know how many excellent men, with large families and small means, had been reduced almost to want in order to advance the public good by measures making better provision for the burial of the dead. The clergy had, in this instance, no desire to claim pecuniary compensation on this ground, but they did think that in passing such a measure as the present everything ought to be done which would conduce to the orderly and decorous burial of the dead. That these evils were not occasioned by the Bishops only he might be allowed once more to say. No man was ever less likely to give way to foolish or fanatical prejudices than the right rev. Prelate whom he succeeded in the see of London. Of that right rev. Prelate he ought not to speak to-day without declaring how affectionately and how faithfully he had for so many years discharged the great duties of his sphere. Their Lordships had, in common with all the inhabitants of this metropolis, heard with a feeling of deep regret that it had pleased God to remove Dr. Blomfield from this world, though they rejoiced that he was removed from a scene of suffering. If ever there was a man who with deep conscientiousness and with untiring energy performed his episcopal functions, sacrificing his time and his health to the public good, it was the late Prelate. He, if any man, was free from foolish prejudices, and was able clearly to see what concessions ought to be made to the rightful demands of his fellow-men, yet he bequeathed to his successor a difficult legacy arising out of the question respecting the consecration of the Ilford cemetery. No man could say that the late Bishop was to blame in the transaction; but the fact was that these were very difficult and complicated questions, requiring very calm and dispassionate examination. He did trust, therefore, that when this Bill was in Committee no accusations would be bandied about from one side to the other, as though right rev. Prelates acted regardless of the feelings of their fellow-men, but that full credit would be given to them for a desire to discharge conscientiously the duties of their great trust.

EARL GRANVILLE said, he hoped the Bill would be discussed in the spirit which had been recommended by his right rev. Friend. Nothing could be more unfair than to make sweeping charges against the episcopal bench on the subject, but at the same time a minority of right rev. Prelates, differing from the greater portion of their episcopal brethren, had pursued a course which seemed to him to have been an inconvenient one. With regard to the right rev. Prelate, whose acts were more particularly questioned at the present moment, it would be more satisfactory to the House that any discussion on the case of the Swansea Cemetery should take place when he was present. He (Earl Granville) was sure the right rev. Prelate most conscientiously believed himself bound to act as he had done. From the reports in the morning papers of what had occurred in another place he gathered that the charge made against him was that, in order to secure what he considered an act of justice to the incumbent, the Bishop had neglected to do what the words of the Act appeared to show he was bound to do. The point was one, however, which seemed to involve a question of law, and their Lordships would not be disposed to go into it in his absence. With regard to what had fallen from the right rev. Prelate (the Bishop of London), he (Earl Granville) agreed that there ought to be no competition between the consecrated and the unconsecrated ground. But the Dissenters complained that practically they paid more for burial in unconsecrated ground than was paid by Churchmen for interments in consecrated ground, and the object of the clause to which reference had been made was to prevent competition. In conclusion, he would express his regret in common with all their Lordships at the loss which had been sustained by the death of one who had so lately occupied the episcopal bench, and felt assured that the House would warmly concur in the eulogiums so eloquently passed by his right rev. successor.

Motion *agreed to*. Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

VALUATION OF LANDS (SCOTLAND) ACT AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Moved, that the Bill be now read 2^a.

THE DUKE OF BUCCLEUCH said, the Bill contained very arbitrary powers. It enacted that if counties did not choose to appoint their own valuators the Commissioners of Inland Revenue might appoint assessors, whose valuation was to be made for all purposes relating to the Income-tax or any other taxes collected under the authority of these Commissioners. He was surprised that such a Bill had escaped notice in the House of Commons. It would make very great and at the same time very unnecessary changes in the present system of valuation in Scotland, and he therefore moved that it be read a second time that day three months.

Amendment *moved* to leave out "now," and insert "this day three months."

LORD PANMURE said, the object of the Bill was simply to protect the revenue. In the first place, it gave the revenue the power of appointing its own valuators, and, in the next, it gave the counties the option of adopting the valuation or assessments made by the valuators of the revenue. He thought it would be to the advantage of the counties to avail themselves of that power. The Bill would not impose any new burden upon the people of Scotland. His noble Friend was in error if he supposed that the Bill had passed through the other House without the knowledge of the Scotch Members, and as a proof that it had not escaped their notice, he might mention that it contained a local clause which was inserted on the motion of a Member of the other House, whose vigilant attention to all matters relating to Scotland was well known. The Bill would simply enable the Commissioners of Inland Revenue to collect that revenue fairly and honestly.

On Question, That "now" stand part of the Motion? *Resolved* in the *affirmative*. Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Monday* next.

MARRIED WOMEN'S REVERSIONARY INTEREST BILL.

SECOND READING.

Order of the day for the Second Reading read.

LORD MONTEAGLE, in moving the second reading of this Bill, said he most sincerely apologised to their Lordships for having undertaken to bring this Bill before their notice, which might far better have fallen to the lot of some one possessed of more legal knowledge than himself. But the legal Members of the House would, doubtless, give him their assistance upon the measure. The Bill had, in fact, been assented to by the other House of Parliament on several occasions since 1838, and the present measure had passed with the almost unanimous consent of the House of Commons. He might state that he had received recommendations from some of their Lordships, proposing Amendments to the Bill. His noble and learned Friend (Lord Wensleydale) had suggested some alterations, which might be made in Committee, and his noble Friend on the woolsack had stated that other words might be found necessary to be added, in order to prevent the Bill from being interpreted so as to have any retrospective action. His noble and learned Friend opposite (Lord St. Leonards), he was aware, entertained strong objections to the measure; in 1838 he had, indeed, opposed its introduction in the other House of Parliament. But a few statements of fact would, he hoped, be sufficient on his (Lord Monteagle's) part to recommend the Bill to their Lordships' notice. The subject of the property of married women had been repeatedly under consideration since the presentation of the Report of the Commissioners who had inquired into the subject. By the Fines and Recoveries Act powers were granted to married women of disposing of their real property to the fullest extent. That Act was accompanied by provisions to guard against abuse; and every power which he now proposed to grant by this Bill in regard to the personal property of married women, had already been given in regard to their real estate by the former statute. That Act lately passed, upon the recommendation of experienced and enlightened Commissioners, had been carried into effect without giving rise to any complaint, and, therefore, on the ground of analogy, the present Bill had a claim to their Lordships' support. On what principle could they refuse to married women interested in the reversion of personal property the same power of disposition already conceded to them in respect of their reversionary interest in real estate? The effect of the present state of the law was, that personal property, in which any married woman had a reversionary interest, could not be mortgaged or sold, except exposed to the contingency of the death of the wife in her husband's lifetime; for if she survived her husband, nothing could prevent the property from reverting to her, and her right would hold good even against the claims of persons who had purchased for a valuable consideration. Practically speaking, the existence of these contingencies greatly deteriorated the value of property subject to them, and it could, therefore, only be sold at a considerable loss. Great hardship was often produced by this state of the law. It was, indeed, said that under a different state of things, and with more freedom of action, a wife might be induced by her husband to dispose of property applicable to her children, who would thereby suffer wrong. But this Bill gave the same security for independence of action on the part of a married woman as was granted by the Fines and Recoveries Act. It was true that the original measure proposed in 1838 had been rejected upon a second reading in the House of Commons; but the present Bill differed considerably from that measure, and it would differ still more with the Amendments he proposed

That John Vance, esquire, is duly elected a Citizen to serve in this present Parliament for the City of Dublin.

And the said Determinations were ordered to be entered in the Journals of this House.

On the Motion for Adjournment till Monday,

THE EPHURATES ROUTE TO INDIA. QUESTION.

MR. SOTHERON ESTCOURT said, he had given notice that he would call the attention of the House to the expediency of facilitating the communication between Great Britain and India by the route of the Euphrates. He had put that Notice on the Paper in that somewhat irregular form, because in truth he had at that period of the Session no other means of bringing it forward, and he had done so after communication with the noble Lord at the head of the Government, who had intimated his intention to take some part in the discussion that might arise on the subject. Unfortunately for him, the noble Lord, who knew more about that important subject than any other man in the kingdom, was unable to attend that day, and in the exercise of his discretion he would therefore postpone it, with the assurance that he would bring it forward the first opportunity.

ENDOWED SCHOOLS (IRELAND). QUESTION.

MR. KIRK said, he wished to ask the Chief Secretary for Ireland, Whether any, and what portion of the evidence taken by the Commissioners of Endowed Schools (Ireland) has been printed; whether the Report will be presented to Her Majesty's Government in November, as has been promised; and if so, whether it will be published so as to be in the hands of persons interested during the Parliamentary recess?

Mr. H. A. HERBERT said, that a portion of the evidence was already in the hands of the printer, but it would be incomplete without the Report, and he believed the Report had been delayed by the illness of one of the Commissioners. As the Commission expired at the beginning of November, no doubt every effort would be made to have the Report ready by that time. With regard to publishing, he apprehended that the Report could not be published before it was presented to the House, and he, therefore, could hold out no hopes of its being published during the recess.

TROOPS FOR INDIA.—QUESTION.

MR. W. VANSITTART said, he would beg to ask the President of the Board of Control if Her Majesty's Government intend to send out any additional troops to Bombay and Madras to supply the place of the regiments despatched from those Presidencies to Bengal and the North-Western Provinces? Such was the lawless and disturbed state of those Provinces that he would venture to state, from his experience of the country, that it would be impossible to remove any of the troops now there or on their way there for some considerable time, even after the fall of Delhi.

MR. VERNON SMITH said, that since the unfortunate occurrences in India Her Majesty's Government had sent one regiment and a battalion of the 60th Rifles to replace the regiment which was withdrawn from the Madras Presidency during the Crimean war. They had also sent four regiments to Point de Galle, to rendezvous until they were sent, at the discretion of the Governor General, to Bombay, Madras, or Calcutta. Besides that, the Directors of the East India Company had applied to Her Majesty's Government, and Her Majesty's Government had complied with the request, to send two regiments of foot to Madras, two regiments of foot to Bombay, and two companies of Foot Artillery to each presidency. The 3rd Dragoon Guards were also sent to Bombay. He hoped the hon. Member would be satisfied that, although the troops in the Presidencies of Madras and Bombay had hitherto shown themselves to be staunch and faithful, Her Majesty's Government had not neglected to provide a sufficiency of Queen's troops for those Presidencies in case of an emergency.

CONSOLIDATION STATUTES.—QUESTION.

MR. HARDY said, he wished to know what course the Government intended to take with regard to the eight Consolidation Bills of the Statute Law Commissioners? He did not wish to discuss those Bills, but he thought there was a fatal defect in them, that they did not repeal existing enactments, so that all Acts not absolutely inconsistent with those Bills would still be in force, and persons wishing to ascertain the law would have to consult the previous Acts before they could rely on the Consolidation Statutes.

SIR GEORGE GREY said, that the Government had come to the conclusion that it was impossible that these Bills could pass through the House without considerable discussion, and the course which they thought would be found the best would be to refer them to a Select Committee. It was too late to take that course in the present Session. The Orders for Second Reading would, therefore, be discharged, and early next Session the Bills would be introduced and referred to a Select Committee.

OATHS TAKEN BY MEMBERS.

QUESTION.

MR. NEWDEGATE said, he wished to put a question to the right hon. Gentleman in the chair, relating to one of the Standing Orders of the House which requires that a list of all Committees with the names of all the hon. Members serving thereon should be posted up in some conspicuous place in the lobby of the House. He held in his hand the list of hon. Members at present serving on the Committee on Oaths. He found the Members nominated by the House correctly given. There were then these words added, "and all Gentlemen of the Long Robe, Members of this House." It was perfectly true that was the form in which the Committee was granted by the House, but the Standing Order under which the List was given was in the following words:—

> "Lists are to be affixed in some conspicuous place in the Committee Clerk's office and in the lobby of the House of all Members serving on each Select Committee."

Now this was a Select Committee, and not a Committee of Privileges. And it appeared to him, that the standing order of the House could only be complied with by the names of those hon. Members who actually served upon the Committee being given in the list from day to day. The Committee of Privilege had long been discontinued. It was once revived in 1847, and then consisted of all "knights of shires, all Gentlemen of the Long Robe, Members of the House, as well as burgesses." In fact, that was a Committee of the whole House. But the present Committee was not a Committee of Privilege, and came under the Standing Order which he had read. At this time of the Session it was very probable that a great many members of the legal profession would be absent. It was impossible under the general category of Gentlemen of the Long Robe to know what hon. Members might attend. He understood that a large number had attended as members of the Long Robe, but he confessed he did not exactly know who came under that description—whether it was intended to apply to all gentlemen admitted to the bar, but who had long ceased to practise, or only to such gentlemen at present in practice at the bar. He thought as there was that doubt the Standing Order should be complied with, and the List made to comprise not only the names of Members nominated on the Committee, but the names of Members who, under the designation of Gentlemen of the Long Robe, were serving on the Committee. The composition of the Committee was not such as to create in his mind the impression of its being totally unbiassed, but he relied on the fact that under the category of Gentlemen of the Long Robe a sufficient number of gentlemen would attend who, being members of the legal profession and well known, with high reputations to lose or maintain, would carry out the intentions of the House, which he conceived to have been to constitute a sort of Judicial Committee to decide a point of law. He thought he could not exaggerate the importance of the precedent established by the appointment of this Committee, or the danger and impropriety of the House being kept in ignorance of how its appointment was fulfilled, and therefore he ventured to ask whether the House would not be furnished with a correct list of all those who served upon the Committee.

MR. SPEAKER replied that, in his opinion, everything that could be done by the Officers of the House, of what the House intended to be done under the Standing Order referred to by the hon. Gentleman, had been accomplished by the printing of the names in the manner which they were each day printed. The hon. Gentleman would observe that the List mentioned in the Standing Order was prospective,—a list of those Members who were appointed to serve upon a Committee—and not retrospective, or a list containing the names of the Members who might have served the day before. Those names, that is, the names of all who have attended, are entered daily in the Minutes of the Committee. The directions of the House in the present instance were that certain nominated Members, and all Gentlemen of the Long Robe, should serve on the Committee, and when a list was given of all the nominated Members, it appeared to him that the orders of the House had been carried into full effect. If the hon. Gen-to make in Committee. He therefore hoped their Lordships would allow the Bill to be read a second time, on the understanding that the Amendments suggested by his learned Friends, the Chancellor and Lord Wensleydale, should be introduced in Committee.

Moved, That the Bill be now read 2ᵃ.

Lord ST. LEONARDS said, he greatly regretted that a Bill of so much importance and involving so great a principle should be brought on for a second reading at so late a period of the Session, and in the absence of many noble and learned Lords. The Bill had been lying on their Lordships' table for several weeks, and no one of the law Lords had shown the slightest inclination to take charge of it. This Bill was the thin edge of the wedge, the object of its promoters being to enable a married woman to dispose of whatever reversionary interest she might have in personal estate. A Bill of a similar kind was introduced into the House of Commons in 1838. He moved its rejection, and it was carried by 57 votes against 21. It was said then, as now, that a reversionary interest in real estate was in the power and disposition of a married woman, and it was asked why she should not also be able to dispose of her reversionary interest in personal estate? The answer was, that it was a great blessing there should be this difference between real and personal estate. Married women had always had the power, under certain precautions, of disposing of their reversionary interest in real property; but real estate was generally dealt with after more deliberation, and he was not prepared to change the law in order that a reversionary interest in personal property might be sold to some of the parties who dealt in buying reversionary interests. This was in fact a Bill to enable dealers in reversions to strip married women of their property, and leave them penniless after their husband's death. From the earliest time such a power as was now asked never existed in this country. It was said that in cases where there was a marriage settlement the power given under the Bill was not to be exercised. But the only reason why the promoters of the Bill had not asked for this power at present was because they were sure the House would not grant it. Suppose a man by his will left his son-in-law certain property, which at the decease of the latter was to pass to the testator's daughter. The testator at present believed, when he was dying, that he was making a provision for his daughter; and what could be more reasonable than that she should be protected against her husband and her husband's creditors? Who was to provide for her after her husband's death if he should be able to persuade her to divest herself of the property which her father had left her? Their Lordships were asked to sweep away the protection which the law now threw around married women: and for what cause? Where was the hardship of the present law? It was said to be a hardship that a woman could not sell that which was valuable. But that was the great benefit of the law, which, for good reasons, took care that what a married woman had in reversion she could not part with. The present Bill enabled her to dispose of this reversion with her husband's consent. But would he not be able to control her when pressed for money and urged by his creditors? He need not remind their Lordships of the sacrifice at which a reversionary interest was sold. Such property could only be sold at a great depreciation, and it was well known that companies had been established for the express purpose of buying reversionary interests, and the moment Parliament passed this Bill there was not a married woman in the kingdom who had a reversionary interest who would not be persuaded by her husband to sell it if he were pressed by his creditors. Then when the time came that a woman stood in need of this property for herself and children she would find that she was left without a shilling. Entertaining these views with respect to the Bill, he should move that it be read a second time that day three months.

Amendment *moved* to leave out 'now' and insert 'this day three months.'

The LORD CHANCELLOR expressed his approval of the Bill, as calculated to effect a considerable improvement in the existing law, by extending the principle of the free disposition of property. He felt bound, however, at the same time to observe that he could not give his assent to the passing of the Bill unless it were so amended in Committee as not to apply to any property which a person might enjoy by virtue of a will of a date previous to the 1st of January, 1858, and so framed as to exclude from its operation any property which a testator might express it to be his wish should not be disposed of in accordance with the provisions of the Bill.

LORD CAMPBELL was understood to support the principle which the Bill proposed to carry into effect.

On Question, That 'now' stand part of the Motion? *Resolved* in the *affirmative;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Monday* next.

House adjourned at a Quarter to Seven o'clock, to Monday next, a Quarter before Eleven o'clock.

HOUSE OF COMMONS,

Friday, August 7, 1857.

MINUTES.] PUBLIC BILLS.—1° Joint Stock Companies Act (1856) Amendment; Judgments; Parochial Schoolmasters (Scotland).
3° New Zealand Government Act Amendment; Metropolitan Police Stations, &c.; Dunbar Harbour Loan.

DROGHEDA ELECTION.

House informed, that the Committee had determined,—

That James M'Cann is duly elected a Burgess to serve in this present Parliament for the Borough and County of the Town of Drogheda.

And the said Determination was ordered to be entered in the Journals of this House.

NEW ZEALAND LOAN GUARANTEE BILL.
THIRD READING.

Order of the day for considering the Amendments to this Bill read.

MR. LABOUCHERE said, as it was of importance that this Bill and that which stood next on the paper should go up to the House of Lords that night, he hoped they might be allowed to pass through their remaining stages at once.

SIR HENRY WILLOUGHBY said, he would not offer any further opposition to this Bill, but he hoped the case of the New Zealand Company would be a warning to Governments in future not to meddle with such companies. In this instance the course pursued by the Government had entailed upon the country a direct loss of £260,000, and a guarantee of half a million.

MR. STAFFORD said, he hoped the course now taken by the Colonial Secretary would not be drawn into a precedent for passing Bills through their later stages at one sitting without notice.

Motion *agreed to.* Bill read 3° and *passed.*

METROPOLITAN POLICE STATIONS, &c. BILL.—THIRD READING.

Order for Third Reading read.

MR. COX said, he would ask Mr. Speaker to favour the House with his opinion upon the question submitted to him last night by the hon. Member for the Tower Hamlets (Mr. Ayrton), whether the Bill, as it related to a grant of money, ought not to have been founded on a Resolution passed in Committee of the whole House?

MR. SPEAKER said, he had stated last night—or rather this morning, at three o'clock—that it appeared to him, from such attention as he had been able to give to the Bill, that it had been properly introduced. He had since had an opportunity of examining the clauses more carefully, and he found that the 17 & 18 *Vict.* c. 94, transferred certain charges—and among them a charge for the Metropolitan police—from the Consolidated Fund to the Supplies annually voted by Parliament. It was therefore unnecessary to found this Bill upon Resolutions passed in Committee.

SIR HENRY WILLOUGHBY inquired whether the Bill would throw any increased charge on the Consolidated Fund?

MR. MASSEY replied that it would not.

MR. COX complained that there was a clause empowering the Police Commissioners to raise and expend £60,000 for the erection of police stations in the Metropolis. He considered that outlay unnecessary, and as the burden would fall on the ratepayers, he should take the sense of the House on the Third Reading.

MR. MASSEY observed, that the clause objected to only gave the Commissioners power to mortgage the existing rates.

MR. COX said, what he complained of was that the ratepayers would virtually have to find the money. If additional stations were necessary, the expense should be provided for by a Vote in Committee of Supply.

The Galleries were cleared for a division, but when the Question was put by Mr. Speaker there was no voice in the negative.

Bill read 3° and *passed.*

DUBLIN CITY ELECTION.

House informed, that the Committee had determined,—

That Edward Grogan, esquire, is duly elected a Citizen to serve in this present Parliament for the City of Dublin:

property was protected from the husband, there was no definition as to whom it should belong, so that if the wife were trading alone, her creditors could not touch it, nor could they sue a married woman. Altogether it was quite certain that the clause could not be allowed to remain in its present form, and he wished to amend it so as that the deserted wife should be able to apply to a justice of the peace for the protection of her property, leaving out the portion relating to fines. In the next place he proposed to strike out the words at the commencement of the clause relating to the desertion of the wife for a certain period by the husband, and to suggest other alterations which would make the law stand thus:—That if a woman had been maintaining herself by her lawful industry, and her property was in danger of being seized by her husband, she should be entitled to obtain the protection of a justice of the peace in the first instance, and in the second a more permanent protection by petitioning the County Court Judge of the district. At present, however, he should move the omission of the words 'deserted by her husband.'

Amendment proposed: To leave out from the word 'is' to the word 'maintaining.'

Question proposed, That the words "deserted by her husband" stand part of the clause.

Mr. HARDY said, he must protest against the Amendments of the hon. Member, as an attempt to carry in the present Bill that which he had failed to do in a separate Bill of his own. He (Mr. Hardy) trusted that the Committee would never sanction any measure which went to separate the interests of a husband and wife who were living together. The object of the hon. Member was to give to a married woman the privilege of a *feme sole* to leave the husband responsible for her debts, while her earnings were not to be responsible for his. A wife, even while living with her husband, was to be entitled to go before a justice of the peace, who was to have the power of granting an injunction against the husband intermeddling with her earnings. In short it would be much better for a man to live with a mistress at once. He would not touch the clause itself, which he believed quite unmanageable, further than to observe that it gave to justices of the peace powers greater than had ever before been contemplated.

Sir ERSKINE PERRY said, that in confirmation of the views he had taken, he might mention that he had received a letter from a Liverpool magistrate, to the effect that wretched women were daily coming before him stating that they could support themselves and children, if only protected from their husbands, who made a practice of seizing and selling whatever property they acquired. In short, there were many wives who were desirous of living with their husbands, and who could support both them and their children, if they had only some legal protection for their earnings.

Mr. MALINS said, nothing could be more monstrous than the proposal of the hon. Member for Devonport, and he hoped the House would not sanction it for a moment. If a husband and wife were living together in harmony, he carrying on the trade of a tailor, and she of a milliner, the proposition of the hon. Member would enable the wife to obtain an injunction against her husband that would prevent him having anything whatever to do with her earnings. This was completely opposed to the law and policy of England, and he trusted that it would be at once rejected by the House. The proposition was entirely one-sided, it did not give any protection to a husband against a drunken or extravagant wife. The application to the magistrate would be *ex parte*, for as the husband would have run away, the wife only could be heard.

The ATTORNEY GENERAL said, the proposal would affirm that the profits of a wife's industry, even when she was living with her husband should be set apart for her separate use. This would open a door to endless collusion, and he hoped it would be withdrawn.

Amendment by leave *withdrawn.*

Mr. DRUMMOND moved to insert in line twenty-six after the word 'husband,' the words, 'or has been cruelly treated;' the effect of which would be to extend the remedy to the wife not only in cases of desertion, but in cases of ill-treatment.

The ATTORNEY GENERAL opposed the Amendment which was *negatived.*

Sir JOHN BULLER moved an Amendment providing that the application should be made to two justices in petty sessions instead of to one justice only.

Motion made, That the word 'any' be left out, and that the words 'two or more' be inserted instead thereof.

Question proposed, That the word 'any' stand part of the clause.

The ATTORNEY GENERAL said, that the Committee were doubtless aware of the manner in which this clause had got into the Bill in the House of Lords. [Mr. Gladstone: Not at all.] It was not in the Bill as originally introduced by the Government, but a noble and learned Lord from motives of benevolence and humanity was desirous of introducing into this country a practice which prevailed in France, where a wife who had been deserted or cruelly beaten by her husband could apply to a magistrate—even of the lowest class—and obtain an order to protect her earnings against her husband. He was not prepared to say that some provision of the sort might not be useful in this country, particularly among the lower orders, where a wife, having been deserted by her husband for a considerable period of time had established a business for the maintenance of herself and her children, and then the drunken husband returning had, either by himself or some creditor, swept away all the property which she had scraped together. But the manner in which this improvement had been embodied in the Bill was so imperfect and so complicated, and the machinery was so incapable of being worked with any certainty, that he could not avoid coming to the conclusion that the opinion of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who had given notice of a Motion to expunge the clause, was that which ought to be adopted by the Committee. He should be very glad if he could see his way to a certain, ready, and economical mode of giving wives in the humbler classes this description of protection; but he was afraid that the clause, as it at present stood, if passed into law, would be most mischievous. He should therefore recommend those hon. Members who had given notices of Amendment on the clause to withdraw them, and to agree in the Motion of the right hon. Gentleman the Member for Oxfordshire for its rejection.

Mr. HENLEY said, he was very desirous of framing some clause which would carry out the object of the 17th clause. Although it was impossible to meet all cases, yet something might be done to remedy the evils against which this provision was aimed. But to amend this clause was simply impossible. [The Attorney General: Hear, hear!] The first difficulty would be for the magistrate to decide what was the legal meaning of desertion. This was a matter with which the Ecclesiastical Courts did not deal, because they saw that when the parties were separate they could do no more for them, and, therefore, there were no text-books upon the subject; and, as the subsequent desertions referred to in this Act were desertions for two years, there would for a long time be no judicial decisions upon the subject, and magistrates would be left entirely in the dark. That was an objection *in limine.* But beyond that another point was started by the clause. It appeared that a magistrate had jurisdiction to deal with a case on its being sworn before him by a wife that her earnings were interfered with; but when they came to the enacting part of the clause, 'property' was included in the same category with 'earnings.' Now, 'property' meant something in possession, while 'earnings' meant something to be acquired in the future; this, therefore, was a combination which it was worth while reflecting whether they ought to preserve. He would throw out as a suggestion to his hon. and learned Friend the Attorney General that the better course would be to allow a woman, in case of desertion, to obtain protection for her property to a certain amount upon application to the County Court. Those Courts being Courts of Record, the Judges of them would not be exposed to the actions by which a magistrate acting under this clause as it stood might be harassed. This might not meet all cases, but he believed that such a provision would act much more beneficially than this clause, which would in practice be found to be wholly inoperative. He thought that the clause had better be struck out, because he believed that it could not be amended.

The CHAIRMAN reminded the Committee that the question before them was, "That the word 'any' stand part of the clause."

Mr. AYRTON said, he had thought from the language of Ministers on the previous night, that they were to have 'the Bill, the whole Bill, and nothing but the Bill;' but now it appeared the Committee were restored to freedom of discussion on all the clauses, and the first clause they came to they found was not an exposition of the sentiments of the Government, but something that had been put into the Bill at the instance of somebody else. He wanted to know what the Attorney General meant by the expression, "the clause would be struck out for the present," and tleman thought that something more was necessary he must, in order to effect his purpose, obtain the sanction of the House to a substantive Motion.

COMMON LAW COURTS COMMISSION.
QUESTION.

Mr. WARREN said, he wished to inquire of the right hon. Baronet, the Member for Droitwich (Sir J. Pakington) whether the Commission appointed to inquire into the Administration of Justice by means of Assizes had made their Report, and, if so, whether the right hon. Baronet would object to give the public and the profession any information as to the general nature of the alterations which the Commissioners might have agreed to recommend? He was going to-morrow on circuit, and it was important to know what were the alterations proposed to be made in the distribution of the circuits.

Sir JOHN PAKINGTON said, he had every reason to believe that the Report of the Commission had been signed by all the Members, and that it would very shortly be presented to the House. The Commissioners recommended certain modifications of the existing Assizes; but, as the Report was a rather long one and would soon be in the hands of hon. Members, he did not think he ought to make any further statement at present.

SOMERSET HOUSE.—QUESTION.

Mr. STAFFORD said, in the absence of his noble Friend (Viscount Ebrington) he would beg to ask the Chief Commissioner of Works whether the new chimney tops invented by Mr. Billing, placed upon part of Somerset House, are found to answer; and if they do answer, whether it is intended to substitute them for the many varieties of unsightly chimney-tops which disfigure the remainder of the building?

Sir BENJAMIN HALL, in reply, said that certainly very singular questions were asked in that House; but he never expected that they would descend to such trifling matters as the chimney-pots of Somerset House. He was afraid that he should not be able to give a satisfactory answer to the question put by his hon. Friend until next Session, for the very simple reason that a sufficient trial of the chimney-pots had not yet been made.

THE DRAWING ROOMS.—QUESTION.

Mr. STAFFORD said, it would be in the recollection of the House that some two months ago the hon. Member for Linlithgowshire, (Mr. G. Dundas) put a question to the Chief Commissioner of Works relating to the overcrowded state of Her Majesty's Drawing Rooms. He asked the right hon. Baronet, or rather, to use a more courtly phrase, he took the pleasure of the right hon. Gentleman as to whether any alterations were to be made at St. James's Palace, in order to obviate the inconveniences of overcrowding in future. The right hon. Baronet, who rose amid loud cries for the Vice Chamberlain, stated that it was his intention to make alterations in St. James's Palace, adding that upon some future occasion he would lay his plans upon the table of the House. Those plans for the alteration, or demolition as it might be, of St. James's Palace had not yet been produced, and he now wished to ask the right hon. Baronet whether he is prepared to lay the plans upon the table, or whether, on further consideration, he is of opinion that no other alterations in the Palace are necessary beyond those which has already been accomplished? He hoped that the right hon. Gentleman would give a pledge to the House that he would not repeat, as soon as the Session was over, his experiment with respect to the neighbouring piece of water, and that, while he delayed laying his plans upon the table, he would not enter into a correspondence with the nimble Secretary of the Treasury, and carry out his contemplated alterations without the sanction of Parliament.

Sir BENJAMIN HALL said, he had already told the House that no expenditure whatever would be incurred in relation to St. James's Palace without the knowledge and sanction of Parliament. He was happy to say that at the last Drawing Room the accommodations were much better than they had ever been before, and he hoped that it might not be necessary to incur any further expense. At the same time, additional alterations might be requisite; but, in that event, the plans would be laid upon the table, and the approval of Parliament obtained, before any steps were taken to put them into execution.

Motion *agreed to.* House, at rising, to adjourn till *Monday* next.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 16 (Court of Marriage to act on the principles of the Ecclesiastical Courts).

Mr. LYGON said, he would suggest that the words "or annul" should be added in the second line, in order that petitions for declaring the nullity of marriage should be treated in the same manner as petitions for dissolution of marriage.

The ATTORNEY GENERAL said, suits for dissolution of marriage were unknown to the Ecclesiastical Courts, but suits for nullity of marriage were known to them. It would be unnecessary to add the words suggested by the hon. Gentleman.

Clause *agreed to.*

Clause 17 (Protection of Wife's earnings when deserted by her Husband).

Sir ERSKINE PERRY stated, that he had several Amendments to propose, but they were all based on the same principle. He had given his assent to the main principle of the Bill with considerable reluctance, but he had done so upon two grounds—first, because he was assured that no new principle of law was to be introduced; and, next, because, as it was a fact that the practice of granting divorces had become established in this country, it would be better that they should be granted by a competent tribunal and not by the Legislature. He had heard, however, last night a statement from the noble Lord at the head of the Government which considerably alarmed him, namely, that the policy of the Bill was to discourage those judicial separations which now took place, and to substitute in all cases of dissension between man and wife divorce *a vinculo matrimonii.* He (Sir Erskine Perry) had the strongest objections to the principle of divorce being extended beyond what already prevailed in this country, and he did so, not upon theological grounds, but from purely secular reasons. He believed it was open to a Christian Legislature to permit divorces if it should think it expedient to do so. That being so, the question arose how far it would be expedient to allow divorces, and, looking at the history of all countries where great facilities for divorce had existed, he was inclined to abstain as much as possible from enlarging the practice in this country. Such, moreover, had always been the policy adopted in Christian Europe, while on the other hand divorce was permitted amongst the Jews who also practised polygamy. The fact was, that one was the consequence of the other, and the relation had been very well put by Lightfoot, who said: "The Jews use polygamy and divorce for one and the same reason; they must have change, and it is all for the sake of lust." This enabled them to understand the disputed passage in Matthew, and was confirmatory of the view taken by the fathers of the Reformation. There had been constant reference made to Scotland as an example by which they might be guided as a country where facilities for divorce had prevailed without producing evil results, but he did not think that was an example which should govern them in dealing with the case of England. Scotland was nothing more than a large parish, and the whole population did not exceed that of London. Every person in that country was busily engaged in watching his neighbours. He (Sir Erskine Perry) knew the country and knew that, with the inquisitiveness which belonged to the race, every man there knew what the other did, and thus a moral control was exercised which had proved very salutary in practice. But such a state of things would not be applicable here. Devonshire would care little for the opinion of Northumberland. Not only had theologians objected to divorce, but the greatest sceptics, such as Hume, Gibbon, and Auguste Comte; but the practice having prevailed here for 200 years, it must be permitted to continue within proper limits. He conceived that judicial separations should be encouraged in order that when those unhapy differences arose which all knew too frequently happened between man and wife there might be a proper remedy for the evil. With regard to minor divorces, the remedy provided by the Bill was most imperfect. The clause now before them had a very just and benevolent object in view—to protect a wife's earnings when deserted by her husband, but it was extremely ill drawn, and would not effect its purpose. It failed to define the wife's rights with sufficient clearness, and would be a most difficult clause to administer. It gave protection to the property of a wife when she was deserted by her husband "for one year or upwards," but if the husband came down upon the unfortunate woman at the end of eleven months, she would have no protection whatever. Under this provision a man might come upon his wife every eleven months, and sweep away all she had. Then, if a wife had £50 of property her husband, or her husband's creditors, might seize the whole of that property, and be fined to the extent of £20, as proposed by the clause. Then, in addition, there was the absurdity that while the wife's and if she succeeded in her litigation the Court commanded the husband to take her home and treat her with the affection which was her due. Beyond an appeal to the Ecclesiastical Courts a deserted wife certainly had two other remedies; she might throw herself as a pauper upon the parish in order to make the husband amenable for criminal neglect, and this had been done by ladies of rank and station in order to punish husbands who had deserted them; or she might obtain support from relatives or others who would trust her, and they could bring an action against the husband for the cost of her maintenance. In the former case the remedy would be administered by a bench of magistrates; in the latter the remedy would be by civil action, and it might be afforded by that very County Court to which he proposed, by a more direct jurisdiction, to give an ample and summary remedy to the wife. He could not conceal from himself, however, that this raised the far wider and more important question of whether the redress provided by the Bill was to be administered solely by one great central Court or by local tribunals. He confessed that he thought that upon the ultimate decision of that question would depend whether this Bill were to be an injury or a boon, whether it were to facilitate the applications of men who were not blessed with opulence to the tribunals of the land, or were to throw obstructions in their way, whether it were to be a Bill of reform or of centralization. The Bill included two measures which were perfectly distinct—one for concentrating all the scattered local jurisdictions into one supreme and central Court, and the other for conferring upon that Court a power of dissolving the marriage tie, to the extent and in the manner that could now be done by an Act of the Legislature; and he almost regretted that these questions had not been made the subject of two distinct Bills, so that hon. Members might have the opportunity of discussing the provisions applicable to the one without treading on those of the other. His Amendment touched only the first portion of the Bill, and he was induced to make it because he was strongly opposed to centralization, and because he thought that they should endeavour to preserve to the people of England that great principle of local administration which he believed had established their liberties in the days of Alfred, and which preserved them in the days of Queen Victoria. He thought it would be better if the administration of the local Courts were defective, to reform them rather than take away their jurisdiction altogether; and although the principle of centralization was not a popular one, he was bound to confess that he had not as yet heard any hon. Member propose a proper local tribunal for the determination of these matrimonial suits, unless, as had been suggested by the noble Lord the Member for the City of London, the Judge going assize should try them. There were at this moment as many as fifty local Courts to which a wife injured by the cruelty and desertion of her husband could apply, and from which she could obtain such redress as a judicial separation and an award of alimony might afford. The Bill swept away all those local tribunals, and established in their stead one central Court in London, which was to adjudicate upon all these cases. It facilitated divorce but it destroyed the means of obtaining separations, divorce being essentially the remedy of the man, and separation being the protection to the woman. It provided that if a husband deserted his wife for the space of two years without reasonable cause, she might apply for a judicial separation; but when they told her that in order to obtain that separation she must apply to a Court in London, the remedy became a mockery and a delusion, because the very fact of her being deserted proved that she was in poverty and distress. She was the very person of all others for whom a cheap and easily accessible tribunal ought to be provided, whereas it was proposed to restrict her to a tribunal difficult of access and expensive. Now, was this question of desertion so intricate a one that County Courts could not decide it? Why, these Courts might be called upon to decide it already. If an action were brought, as it might be, in the County Court to recover from a husband for the maintenance of his wife, the Judges would have to decide, first, whether the wife was really deserted; and, secondly, whether the husband was justified in deserting her. This action might be repeated, and damages recovered as often as was necessary, and thus the question in all its bearings would be settled by the County Courts. Now, why, instead, of exercising such a jurisdiction, and having to decide the same matter perhaps over and over again, should these Courts not be allowed to afford in these cases a permanent and effective relief? He wished the point he had raised to be decided on its merits. At the same time it did involve the larger question, whether there ought not to be a local tribunal administering every relief which was given under this Bill. At all events, he thought in the case of desertion there could be no objection to leave the determination of this question in the hands of such a tribunal, and he would therefore move the insertion, after 'Court,' of the words 'or the County Court of the district in which he or she resides.'

Amendment proposed, "After the word 'Court,' to insert the words 'or the County Court of the district in which he or she resides.'"

Mr. PACKE said, he was not at all prepared to deny the necessity of a local tribunal of some kind; but he thought it perfectly impossible that in populous districts, at all events, the County Court Judges could find time to try causes of this description in addition to the discharge of their ordinary duties. A central Court only would, he believed, be very unsatisfactory to the country; but the County Courts were already sufficiently occupied, and local tribunals of some other kind must therefore be constituted.

Mr. DRUMMOND said, the hon. and learned Gentleman (Mr. Butt), approving of the principle of the Bill, took advantage of the Courts which already existed to extend its operation; but the hon. Gentleman (Mr. Packe) seemed to wish that some other local tribunals should be created. Surely it was better to take advantage of those which already existed, than to set about to create new ones.

Lord JOHN MANNERS said, he intended to propose the introduction of words into the clause which would have a more extended meaning than those of the hon. and learned Member for Youghal (Mr. Butt.) The words he referred to, while they would include the County Courts, would not shut the door against the establishment of new Courts, if the Government thought it desirable to establish them. Should the Amendment of the hon. and learned Member for Youghal be successful, he (Lord J. Manners) would then move the insertion of other words that would carry the principle still further. If the hon. and learned Gentleman's Amendment should fail, then he would propose the insertion of words to enable the establishment of Courts of local jurisdiction.

The ATTORNEY GENERAL was extremely desirous of rendering proceedings of this description as inexpensive and facile as they could be made with due regard to the interests of morality. The Committee would observe, however, that this clause involved points of the highest possible importance. The question for the Court to decide on a case of desertion was this, whether there was any reasonable excuse for such desertion. Now, adultery was a reasonable excuse. All the grounds upon which judicial separations and divorces were based might therefore come into controversy upon an application of this kind. Suppose an application made in the first instance for a judicial separation, and on grounds which afterwards involved an application for divorce, how difficult it would be to say that the decision of the inferior tribunal upon the selfsame question should be altogether slighted and disregarded by the superior Court! It seemed to him, therefore, that it would be inexpedient to give jurisdiction to the inferior tribunals to try for a subordinate purpose the very same question which might afterwards again have to be tried by the superior tribunal. If the question of divorce and the adultery on which it was founded was of such importance that it ought to be discussed with all the safeguards afforded by a tribunal of a superior order, then he thought it ought not to be permitted to come within the cognizance of an inferior Court, which might enable parties to have an antecedent discussion as it were by way of precognition of the case. He thought, therefore, that the hon. and learned Gentleman should endeavour so to guard his Amendment that judicial separations should only be granted upon grounds which were insufficient for final divorce. He the (Attorney General) should not at all object to empower the County Court to consider and decide on the question of judicial separation when that question did not involve issues which would constitute a case for final divorce; but he should be sorry, upon an application for such a separation, to see the County Court virtually charged with the duty of trying the question of adultery, which might afterwards go before the highest tribunal. If it met with the approbation of the Committee, he had no objection to accept the Amendment to this extent, and to clothe the County Court with the power of adjudicating on judicial separations whenever they depended on grounds insufficient to warrant divorce.

what, supposing that he intended to carry out the object of it by some other means, was the remedy he intended to substitute? The remedy must be given to the people generally, for it was impossible the liberal Members could allow a Bill to pass which constituted a Court that afforded a remedy to the rich alone. The Government declared that their object was to extend to the poor the benefit which the rich alone could now command, but the very first clause they came to that provided a really cheap remedy the Attorney General struck out. He thought they ought to devise some tribunal nearer than London for the poor man who lived in Yorkshire.

Mr. BOOKER-BLAKEMORE said, that he was personally cognizant of two cases which came within the description given by the Attorney General, and he must strongly urge both that hon. and learned Gentleman and the Solicitor General to apply their powerful minds to the discovery of some practical remedy for this scandal to our legislation. He was ready to endorse the suggestion that had been thrown out that it was rather too serious a responsibility to cast upon an individual magistrate the duty of declaring what amounted to a case of desertion. But then, why not delegate that duty to the Chairman of Quarter Sessions, or the Vice Chairman? Or why not send the case before the general sessions or the petty sessions? He should, however, prefer magistrates having jurisdiction to sending them to the already overburdened County Courts. He hoped, at all events, that the Attorney General would give a pledge that in case the present clause were expunged some analogous provision would be substituted for it.

Mr. NAPIER remarked, that he was sorry to hear that the Attorney General had proposed to abandon this clause, which was one of the best intentioned sections of the Bill. No persons were more deserving of sympathy and protection than poor women who, having been deserted by their husbands, supported their families by their own exertions. He did not think that a magistrate could ever have any difficulty as to the meaning of the word 'deserted.' Any man with one-tenth part of the good sense possessed by his right hon. Friend the Member for Oxfordshire could come to a fair and just conclusion as to whether or not a woman had been deserted by her husband. All that the magistrate was to do was to make an order to protect for a time the earnings of the woman; and, if it were thought desirable, a provision might be inserted giving the creditors power to apply to the Judge of a County Court to set aside this order. It would be a reproach to the Committee if, after floundering through a number of clauses to erect an unapproachable tribunal, it could not, on arriving at a clause giving a domestic tribunal on the spot for the protection of the earnings of the poor wife deserted by her husband, make that clause perfect for its purpose. They would desert their duty to their constituents if they allowed the Bill to pass without a provision embodying the principle which was admitted to be just by the present clause.

Sir JAMES GRAHAM said, he was disposed to agree with the hon. Member for the Tower Hamlets (Mr. Ayrton) and the right hon. and learned Member for the University of Dublin (Mr. Napier) in thinking that the principle of the present clause was a valuable one. The difficulty was in giving effect to it, and he agreed with the Attorney General and the right hon. Member for Oxfordshire (Mr. Henley) in opinion that the machinery provided by the clause was objectionable, and that it was not susceptible of amendment with any chance of making it effective. He did not think that the power should be entrusted to a single justice, nor did he think the matter would be much improved by giving the power to two justices in petty sessions. On the other hand, he conceived that, after negativing Clause 17, some small extension of Clause 18 would be an immense improvement, and would give entire effect to that which was generally thought desirable. In that clause (giving protectiom to a wife's property) he did not see why the word 'earnings' might not be introduced, and the words "whether she has made any such application as aforesaid to a justice of the peace or not," should be omitted. The power of adjudication under Clause 18 was given to the new Court to be allocated in London, but he was disposed to think it ought to be extended to the County Courts. Thus the necessity of applying to the Central Court in London would be avoided, and a Court of Record in each district would be enabled to deal with the earnings as well as the property of the wife.

Mr. HENLEY said, his right hon. Friend (Mr. Napier) had been good enough to tell him that he (Mr. Henley) ought to have no difficulty in determining as to cases of desertion. But his opinion, formed from long experience, was, that there were no cases so painful and difficult to deal with as those which would arise under the present clause. When a man went to seek labour at a distance it was difficult to ascertain whether he had or had not done his duty by his family while away. Under the present clause the question would immediately arise whether the man's absence amounted to desertion. The right hon. and learned Gentleman said that there was no difficulty in dealing with this sort of cases; but the right hon. and learned Gentleman, who dealt usually with great legal questions, was not so well acquainted with these small matters as country gentlemen who had to deal with them every day.

THE ATTORNEY GENERAL observed that the words he used when he addressed the Committee on a former occasion were intended to intimate that he should be sorry to part with this Bill without making an attempt to embody in it the salutary and humane principle contained in this clause; but it was desirable to let the Committee proceed with the discussion of the remaining clauses, or some of the remaining clauses, before he made up his mind as to the form of machinery, which he should be able to suggest to the Committee in a new clause for the purpose of carrying that principle into effect. He had passed the matter over and over again in his mind, and though he did not pretend to have the practical experience which the right hon. Gentleman who last spoke had of the difficulties of the case, those difficulties had nevertheless presented themselves in theory to his mind, and he really for the moment was at a loss to determine what course should be pursued. If, however, the Committee would accept a pledge from him that the present should not be the last discussion on this principle, but that another opportunity for considering it should be afforded, he would endeavour to use all his resources in the meantime to get a clause framed which the Committee might think would establish a course of procedure better adapted than the present clause for the interests of those humbler classes, and likely to afford them the same benefit.

SIR ERSKINE PERRY said, he wished to say, as the subject had occupied his attention for the last two years, that the assurance the hon. and learned Attorney General was most satisfactory. The Committee all seemed unanimous in opinion that the principle of the clause was benevolent and sound and ought to be carried out, and he merely wished to observe with regard to the suggestion of the right hon. Member for Carlisle that justices of the peace were the only Judges who could give instant relief, for the sittings of County Court Judges were only holden once a month, and in the meantime great mischief might be done to the wife. He would allow the deserted wife to petition either the Court in London or the County Court Judge, and this would remove a portion of the evils complained of.

SIR JOHN BULLER said, that after the explanation given by the hon. and learned Attorney General he should not press his Amendment. He agreed with the right hon. Member for Carlisle (Sir J. Graham) in thinking that the wisest plan to adopt would be either to negative the present clause with the view of amending the 18th clause, or to leave the Attorney General to bring up a new clause altogether.

Amendment, by leave, *withdrawn.*

THE ATTORNEY GENERAL said, the 17th and 18th clauses were connected together, and in the new clause which he should propose in Committee he thought that protection for a wife's earnings and property should be given in the inferior Courts to a limited amount, and that protection in the superior Court for a wife's property and acquisitions should be afforded to any amount. The 17th and 18th clauses should therefore be omitted.

MR. WARREN said, he trusted that the two clauses would be so remodelled as to satisfy all classes that the Legislature properly appreciated the grievance at present felt, and was anxious to remove it.

Clause *negatived;* as was also Clause 18.

Clause 19 (Judicial Separation by reason of Desertion of Husband or Wife).

MR. BUTT said, he rose to propose in line 22, after the word 'Court,' to add the words, 'or the County Court of the district in which he or she resides.' The effect of the Amendment which he proposed would be, in the particular case for which this clause provided redress, to enable the injured party to apply not only to the central Court established in London, but to the cheap and expeditious tribunal which would be able to give local redress. At present desertion was in the Ecclesiastical Courts no ground for a divorce *a mensâ et thoro*, the same thing as was called in this Bill a judicial separation, the remedy for a wife there being to institute a suit for the restitution of conjugal rights, cases, and generally of the adultery of the husband—inasmuch as it could not become a ground of suit for divorce *a vinculo*, might go before a County Court. The wife might go to the County Court and obtain a sentence of judicial separation for the adultery of the husband, as it has been proposed by the hon. and learned Gentleman, but the husband could not obtain from the County Court a sentence of judicial separation for the adultery of the wife, because the adultery of the wife might be made a subject of a petition for a divorce *a vinculo*. I confess it appears to me that that is a most objectionable principle. I think that my noble Friend at the head of the Government laid down rather precipitately last night that in the case of adultery of the wife the husband should have no remedy but that of applying for a divorce *a vinculo*. I do not think that my noble Friend would be satisfied with a state of things in which a County Court might grant a sentence of judicial separation to a wife in case of the adultery of the husband, but in case of the adultery of the wife no remedy could be obtained by the husband but that of divorce *a vinculo*.

MR. WIGRAM said, the issue to be tried under the 18th clause seemed to him to be identically the same as that under the 19th, namely, whether a wife had been deserted by her husband, and whether that desertion was continued without any reasonable excuse for a certain period. He submitted that the decision on the one clause should rule the decision on the other, and therefore, as they had postponed the 18th they should take the same course with regard to the 19th, in order that they might be brought into one harmonious system.

SIR WILLIAM HEATHCOTE said, he concurred with his hon. and learned Friend the Member for the University of Cambridge in thinking that they ought to have a clear understanding of the principle the Attorney General wished to establish in all those clauses which referred to the question of judicial separation, and which would come within the meaning of the hon. and learned Member for Youghal's Amendment; and whether the hon. and learned Gentleman intended to waive his objection about questions of adultery incidentally arising. If they precluded the lower courts from entertaining questions of that extent they would practically preclude them from entertaining the subject at all.

MR. MALINS said, he also was of opinion that this question ought to be postponed until they had ascertained what system was to be adopted in lieu of that contained in Clauses 17 and 18. No doubt, in order to deal with questions of separation *a mensâ et thoro*, it was highly important to have some other tribunal than that in London; but he contended that the County Courts, overburthened as they already were with the functions which the Legislature had already devolved upon them, were not in a position to investigate and decide such questions, and that in the event of the Committee imposing this new jurisdiction upon them the result would be that the experiment would break down. He could not help thinking, also, that the Attorney General himself had a great misgiving as to the propriety of extending such a jurisdiction to the County Court.

VISCOUNT GODERICH said, as he understood the Attorney General, he was willing to agree to the proposal of the hon. and learned Member for Youghal, provided it was so worded that in the event of circumstances transpiring, on the trial of the question of desertion in the County Court, showing that there was ground for an application for a divorce *a vinculo*, such a state of things should operate as a bar to the jurisdiction of the County Court, and that the case should then be remitted for trial to the superior Court. But if that arrangement were adopted he (Lord Goderich) could imagine a case where a man on the charge of desertion being established against him in court, might say he had been guilty of adultery as well as of desertion. In that case the wife would be ousted of her right to a judicial separation, and be driven to seek her remedy in the superior Court in London for the graver offence, or have that offence left unredressed.

MR. W. EWART said, he wished to ask whether it was intended that the courts under this Bill should be itinerating? for if they were, he expected from them more harmony of decision than if such questions were to be dealt with by a number of independent local tribunals. If, however, the superior Court was not to be an itinerating one, there should be some local tribunals having the power to decree judicial separations; but he was not disposed to give that power to the County Courts.

MR. COLLINS said, as this Bill put an end to the existing local jurisdictions in the matter of judicial separations it was desirable to substitute some other kind of local tribunal for dealing with such applications.

If the Bill was to be workable there must be a local jurisdiction, and the only question was whether they should have a separate staff of Judges perambulating the country to grant judicial separation, or whether they should make use of the existing tribunals. The circuits of the County Court Judges might be contracted if necessary, and the number of those Judges increased.

MR. BUTT said, he certainly felt it his duty to take the sense of the Committee on his Amendment. The noble Lord (Lord John Russell) was not present last night when the opponents of centralisation attempted to raise the more general question that local Courts should have the power of judicial separation, but were defeated. They had now, however, another opportunity of discussing that point. Where was the inconvenience of a County Court determining whether a wife had committed adultery or not? The question might be raised in the smallest Ecclesiastical Court in the kingdom, and the House of Lords at present, so far from feeling it an infringement of their jurisdiction, had made it a Standing Order that they would not entertain a petition for divorce until there had been a decision by an inferior Court. A County Court at this moment tried the very issue to which the Attorney General objected. Any tradesman who supplied necessaries to the deserted wife might sue the husband for the cost; the husband might answer that he had a good cause for deserting her; and then the Judge must decide. After all the credit which had been given to the veteran law reformer, by whom the County Courts were originated, it was surprising to hear that those tribunals had proved such an utter failure that this duty could not be entrusted to them. If they were not now fit to exercise such a jurisdiction they ought to be made so. This was not a question of absolute divorce, but merely of whether the acts of the husband had been such as to entitle the wife to a separate maintenance from him. The question was fairly before the Committee, and he hoped the Committee would dispose of his proposition now, and not allow the clause to be postponed. The clauses of the Bill ought not to be made the subject of a perpetual series of adjournments.

THE ATTORNEY GENERAL said, he did not think this a clause which could be postponed. A very great principle now stood for determination by the Committee, and he was not satisfied that that determination should be taken otherwise than by a division. The principle to be decided was this—should the County Courts be armed with authority not only equal to that possessed by the Consistory Court of London, to decree separation *a mensâ et thoro*, but to add to the existing causes of divorce the cause of desertion? Divorce *a mensâ et thoro* was now granted on the ground of cruelty and adultery. This Bill introduced a new principle on that subject—namely, desertion. If, therefore, the County Court was to have power to decree separation on the one ground, no doubt the advocates of such a proposition wished that tribunal to have equal power to decree separation on the other. Now he fully agreed that the County Court sought to have all the authority requisite for the expeditious administration of justice in matters of daily necessity such as the collection of debts; but it was a very different thing to enable them to dispose in an equally summary manner with the rare and exceptional questions contemplated by this measure. The jurisdiction of those tribunals was at present limited to mere questions of civil debt, and certainly never was intended to include delicate and difficult questions, which could not be satisfactorily investigated without judicial ability of the highest order, or decided with due solemnity in a court where some 100 or 150 suitors were all clamorous to have their particular suits determined on the same day. This was a subject demanding the most serious and attentive consideration. Those who imagined that the County Courts could be converted into orderly and decorous assemblies like the higher courts of justice, with which they were all familiar, were grievously mistaken. Individual hardships might arise from denying this remedy to persons who were unable to resort to the only place where this species of justice could be properly dispensed; but then it was very seldom indeed that relief in the shape of judicial separation was desired by the humbler classes. Those classes desired to be separated only in cases where there were grounds to justify them in entering into other connections. The wife would undoubtedly wish to be protected against the husband; and such protection, extending to her property and to her support, might be accorded to her without the necessity of this species of judicial proceeding. It was, desirable, however, that this remedy should be equally available for all classes; but the question remained—could that

MR. BUTT said, his Amendment had reference only to the case of desertion.

THE ATTORNEY GENERAL: But suppose the wife had presented a petition against the husband on the ground of desertion, and that the husband appeared and charged his wife with adultery, in such case the Amendment would give the County Court power to inquire into the latter charge. If, however, in answer to the wife's petition, the husband alleged such an excuse as did not fall within the reasons for a final divorce, then he would have no objection to the County Courts having jurisdiction.

LORD JOHN MANNERS said, he would beg to ask the Attorney General how the clause, as he proposed to accept it, would be in unison with the 6th clause, which handed over all these causes to the new Court which was to be constituted?

LORD JOHN RUSSELL: I too wish to ask a question, because really this proposition of the hon. and learned Gentleman seems to me to lead to most important consequences. The only reason, as I understand the matter, for the 19th clause, is that desertion has not hitherto been a cause of divorce *a mensâ et thoro*, and it is therefore necessary to introduce this clause in order to enable the Court to pronounce a judicial separation. But there is another cause of judicial separation, hitherto called divorces *a mensâ et thoro*, which is not stated in this clause, as the law is not to be altered in that respect—namely, cruelty by the husband to the wife, which is alluded to in the 25th clause, with respect to divorces *a vinculo*. Now if, as the Attorney General states, we are to give by this clause power to the County Court to decide upon cases of desertion, it seems to me that we ought to grant to the County Court a similar power of deciding on questions of cruelty and all questions that are at present causes for divorce *a mensâ et thoro*. The principle on which the hon. and learned Gentleman proceeds, and which I think is a very just principle, is that, as you have destroyed by the 2nd clause a great number of local Courts, and have transferred their authority to a central Court, you should give some equivalent of that which is destroyed—that is to say, you should give some Court or tribunal to which a wife, in case of cruelty inflicted on her by her husband, might readily apply for the remedy which she seeks. But the Amendment of the hon. and learned Gentleman is of far greater scope than that, for I think it would admit other causes of judicial separation. I therefore wish to be informed by the Attorney General whether it is only cases of adultery, or cases in which adultery may be alleged merely as an excuse, that are to be excluded from the proposed Amendment to invest the County Court with authority. I do not enter into the question whether the County Court is a competent tribunal for these cases; I will leave that part of the subject in the hands of the Government and of the learned Attorney General.

LORD LOVAINE oberved, that he could not pretend to say whether County Courts were fit tribunals to entertain applications for relief in case of desertion, but it appeared to him that the utility of the Amendment would be wholly destroyed if questions of adultery were to be excluded from the consideration of the local Courts; for then, if a woman sued her husband in the County Court, the latter might at once stop the inquiry by alleging adultery, and thus the jurisdiction of the Court would be ousted at once.

SIR ERSKINE PERRY said, that the reluctance of the Attorney General to admit the Amendment was founded on his unwillingness to give the County Courts power to deal with questions which would afterwards have to be tried by the central Court. But he would remind the Committee that the County Courts had already jurisdiction to try actions in which adultery was alleged as an excuse for the nonperformance of the husband's obligations. The proposition of the hon. and learned Gentleman was, that in case of desertion for two years the County Court should have the power of pronouncing a decree of judicial separation, but the Committee could not stop there. They must allow separations to take place in all cases in which the Court above could pronounce, except in cases of decree for an absolute separation. Then he felt as strongly as any Member of the Committee reluctance to give the County Court power to dissolve marriage. That power, he thought, ought to be restricted entirely to the superior Court in London; but, inasmuch as it was of importance in the case of the poor to bring remedies for grievances to the doors of the poor, he hoped that the Attorney General would withdraw his objection, and assent to the whole of the Amendment.

MR. GLADSTONE: It is very important, I think, that we should well consider the principle upon which we are now to proceed, because very different views of it have been expressed in the course of these discussions. The principle laid down by my noble Friend the Member for the City of London, and I think by the majority of the Members of the Committee, has been this, that apart from the obligation to give facilities for giving effect to the principles of this new Bill—namely, the dissolution of marriage—we ought to continue and not restrict the facilities for obtaining a judicial separation already existing. But, to my great surprise, and to my still greater regret, last night we heard my noble Friend at the head of the Government distinctly denounce that doctrine, and state that he was opposed to giving facilities for judicial separation, and that he wished to place parties, who desired to resort to courts of justice with respect to these matters, in a position of having to choose between continuing to bear the evils and sufferings of ill-matched union without mitigation at home, and seeking for the extreme remedy of dissolution of marriage. Now, I am glad to think that the Attorney General, if I understood him rightly, does not adhere to that principle of the noble Lord at the head of the Government, because the Attorney General to-night has said that he is disposed to give facilities for the attainment of judicial separation, although he qualified that by adding, I think, some words such as these, 'as far as that could be done without danger to public morality.' I must confess that upon that subject I do not entertain very great apprehension. I do not believe that any serious danger to public morality is likely to ensue from giving facilities for judicial separation, because in that case the parties are not incapable of agreeing to live together again. I return my thanks to the hon. and learned Gentleman the Member for Youghal (Mr. Butt) for having at last discovered a method by which we may formally raise the question to which it was found as impossible for us to give existence last night, as it will be hereafter for poor people to get at the Central Court of divorce. But now, with regard to the opinions which have been expressed by my hon. and learned Friend the Attorney General. He is disposed to go to a certain extent along with the hon. and learned Member for Youghal; but I understand him to say that he objected to allow the County Court to handle a matter which might be treated under the provisions of this Bill by the central Courts in London, and which touch the question of divorce *a vinculo*. Now, there may be much force in that objection, but until that objection is more fully unfolded by the hon. and learned Attorney General, I confess that my mind was not very much struck by the force of it, because we have that very state of things existing under the present law, inasmuch as the Ecclesiastical Court does that very thing. It handles a question of adultery as a County Court or a Court of Assize handles a question of adultery in connection with a suit for criminal conversation. But the whole matter which those Courts touch in such proceedings may nevertheless, be subsequently dealt with by the House of Lords, and be dealt with in a sense entirely different from that in which they had been dealt with by inferior tribunals. Therefore, I do not see upon the surface the force of the objection to the hon. and learned Gentleman's proposition as it has been stated by the Attorney General. But, now let me point out another difficulty—one that seems to me a rather serious one—namely, the anomaly which would be occasioned by the adoption of the proposal as my hon. and learned Friend the Attorney General has shaped it. We are all, I think, agreed that this Amendment is of great consequence. We should not confine applications for judicial separation to County Courts simply to cases of desertion, but to all those cases in which an ecclesiastical divorce may now be had. My hon. and learned Friend the Attorney General would be prepared to give jurisdiction to local tribunals, subject only to the limitation which he has mentioned. But, then, it appears to me that we should be landed in a state of things the most anomalous possible. We are all agreed that the County Court should be empowered to deal with all cases of judicial separation, except when the matter was such that it was capable of becoming a ground of suit for divorce *a vinculo*. Well, the consequence would be this:—By the Bill as it stands the adultery of the wife enables the husband to institute a suit or present a petition for divorce *a vinculo;* but the adultery of the husband does not correpondingly enable the wife to present a similar petition, or to institute a similar suit. Consequently, the adultery of the husband—I am speaking, of course, apart from the usual accompaniments in certain remedy be satisfactorily administered by these tribunals? He believed it could not. If the only issue were that of simple desertion continued for two years, it would be a thing so notorious and so palpable to all the world as to require no judicial investigation whatever. But when the question was whether the desertion had been without reasonable excuse, it opened up a wide range of judicial inquiry which could not be properly dealt with in a County Court. If, however, the Committee determined that these were fit matters to come within the cognizance of such local tribunals, then the whole subject of judicial separation must be brought within their jurisdiction. The proposition before the Committee was without any limit in point of property or condition in life. It was undoubtedly a departure from the general ground on which they had hitherto thought themselves justified in sanctioning a resort to this species of *ex tempore* tribunal. He trusted the Committee would agree upon the question, and proceed to a division upon it.

Mr. BUTT said, that he desired to raise the question that there should be a local remedy in the most general terms. But if any hon. Member thought that there should be a limit to the powers of the local Courts that could be introduced by a proviso. What he wished to decide was, whether they should provide any substitute for the local tribunals they were going to take away.

Mr. DRUMMOND said, that when he brought forward an Amendment transferring part of this jurisdiction to the County Courts, and did limit their jurisdiction to certain ranks, the Attorney General opposed that on the ground that it was making a distinction between rich and poor. But now, when an Amendment was proposed not making that distinction, the Attorney General opposed that on the ground that it opened the County Courts equally to all classes. He had not invented the County Courts, but had proposed the clause which he originally submitted to the Committee in the belief that the Government were really desirous to extend a boon to the middle and lower classes. But he now confessed his folly, and with deep regret promised that he would never believe them again.

Mr. AYRTON observed he thought it desirable that the Committee should understand clearly that they were about to divide on the simple and broad proposition whether the people were to be allowed to resort to the County Courts or not. If that principle were affirmed, he was quite satisfied that the great ability of the Attorney General would enable him to frame whatever clauses were necessary to make the resort to the County Courts safe and advantageous to the community. The award of alimony would, of course, exclude the jurisdiction of any other court. If the alimony were to be £10, £20, or £30 a year the County Courts would be available only to people in a humbler sphere, and there would be no chance of a peeress going to the County Court for a small sum, when it would exclude her from any further claims on the noble husband from whom she was to be separated. In the amount of alimony there was a complete line of demarcation obtainable without resorting to the most offensive clauses of the hon. Member for West Surrey (Mr. Drummond), which were to give or take away jurisdiction according to the amount of property possessed, as if they did not value virtue, but only the money which was held in conjunction with a wife.

Lord JOHN MANNERS said, it was quite clear from the discussion that many hon. Members were as anxious as the hon. and learned Member for Youghal to maintain local jurisdiction who did not agree that the County Court was a fit court to exercise it. He himself could not say that he thought the County Court was so fit; and, therefore, in hope of saving the time of the Committee, and of avoiding two divisions, which might fritter away their strength, he would suggest that the hon. and learned Member should adopt words which would not confine the local jurisdiction to the County Courts. He would propose to add the words "or to any Court hereinafter authorized by this Act."

Mr. BUTT said, he would accept the suggestion and withdraw his Amendment.

Mr. MALINS said, he could not consent to the withdrawal of the hon. and learned Member's Amendment. He wished to have the decision of the Committee upon the question that the jurisdiction should be given to the County Courts. The hon. and learned Member for Youghal seemed to wish to back out of his proposition. It was natural that when a man thought he was going to be beaten he should try to avoid it. But he wanted to know the opinion of the Committee about the County Courts, and he objected to the Amendment being withdrawn.

Mr. BUTT said, he did not know that he was going to be beaten. He did not understand why it should be said that he was going to back out of anything. He believed that any hon. Member could object to the withdrawal of a Motion, but the hon. and learned Member for Wallingford should not force him to a division. The hon. and learned Member might prevent his withdrawing the Amendment, but he could not prevent his declining to vote for it, and he hoped hon. Members who were anxious to establish local jurisdictions would pay him the compliment of voting against his Amendment, or, at all events, of not voting for it. They would thus defeat the notable scheme of the hon. and learned Member, who by throwing the apple of discord sought to create division among those who, but for him, would be united.

Mr. HENLEY said, the sincerity of the hon. and learned Member for Youghal deserved the greatest praise. He was very sorry that his hon. and learned Friend the Member for Wallingford endeavoured to pin them to words which would compel many who sat on that side of the House to vote against local jurisdiction. He trusted he would allow the Amendment to be withdrawn, and the division to be taken upon the Amendment of the noble Lord the Member for North Leicestershire.

Question put, and *negatived.*

Another Amendment proposed in page 5, line 22, after the word Court, to insert the words "or to any Court hereinafter authorised by this Act."

Sir GEORGE GREY thought the noble Lord ought to state what court was contemplated by his Amendment. One class of these courts was well known to the country, but the Committee had just unanimously decided that the proposed jurisdiction should not be given to the County Courts, and that it should be given to some court which had at present no existence.

Lord JOHN MANNERS said, that the proposals made by the hon. and learned Member for Youghal had been, to his astonishment, acceded to on the part of the Government by the Attorney General, who even went so far as to promise that if the hon. and learned Member (Mr. Butt) would consent to certain restrictions on the operation of the Amendment he (the Attorney General) would so frame the clause in accordance with the Amendment that before the Bill emerged from Committee he would incorporate the question of local jurisdiction into the Bill. ["No, no!"] He certainly understood that the hon. and learned Attorney General accepted the Amendment with certain restrictions. On that a long discussion had arisen, in the course of which many hon. Gentlemen, who were in favour of local jurisdiction, said they did not approve of the particular courts proposed by the hon. and learned Member for Youghal. It appeared to him that unless this great question of local jurisdiction were settled in favour of the principle embodied in the Amendment the Committee would commit a grievous injustice upon the less wealthy portion of the community. He therefore proposed an Amendment of a general character, so that if the Attorney General were sincere in adopting the principle of the Amendment of the hon. and learned Member, and in admitting persons living at a great distance from this central court to have recourse to local courts, it might be open to the Government to meet the general desire that had been expressed, without departing from the principle of the Bill. It was not, however, for hon. Members who might suggest Amendments of the Bill to be prepared with clauses to carry those Amendments into effect. They had not the time, even if they had the ability, to do so. When a Bill of the greatest importance was submitted to the House at the last moment all that hon. Members sitting near him could do was to suggest how the Government, who were responsible for the Bill, could carry out the wishes and just demands of the people. It was essential that the people should not be deprived of the resort to local jurisdiction. He had proposed an Amendment affirming this principle, which would not preclude the Committee from considering hereafter what ought to be the exact nature and constitution of those courts, but which would leave it to the Government to deliberate how the wishes of the Committee might best be carried out; and it was certainly with that view that the hon. and learned Member for Youghal had consented that his Amendment should be negatived. What he wished now to do was to test the opinion of the Committee. If they were in favour of a local jurisdiction they would vote for his Amendment. If they believed, on the contrary, that the jurisdiction ought to be centralized in London, and that the remedy proposed to be given should only be available to persons of rank, wealth, and social position, then let them vote against his Amendment, and carry the measure as it stood, which would then be a Bill for the relief of the rich and comparatively comfortable classes, but would offer no remedy to the humbler and poorer classes of the community.

Sir GEORGE GREY said, that the noble Lord had not attempted even to shadow out the courts to which he proposed to give local jurisdiction, and the Attorney General was asked to frame clauses and carry out intentions which the noble Lord was not able to describe. The effect of carrying out his Amendment would be to throw upon the Government a responsibility which they must disclaim. The object of the Amendment was to propose, at an expense which had not been adverted to, the establishment throughout the country of a set of courts which did not now exist, the only local Courts that now existed by which this jurisdiction could be exercised having been, by the unanimous vote of the House, rejected. If the noble Lord said that no existing courts were capable of exercising local jurisdiction, let the Committee know what new courts ought, in the opinion of the noble Lord, to be created before they were asked to pass this Amendment. He must say that this was the most shabby course of proceeding that he ever heard of. If the noble Lord wished to declare that this jurisdiction ought not to be exercised by the County Courts he ought not to raise such an issue by a distinct proposition, and not by words which he was unable or unwilling to explain. The Committee ought to know what they were about to do in voting for such an Amendment.

Mr. BUTT said, he knew that the right hon. Gentleman was incapable of unfairness, but it would have been better, he thought, if the Home Secretary had addressed his observations to the House before he had consented to kill his own bantling. If this issue had been raised —that there were either to be no local Courts or that the County Courts should exercise jurisdiction, he would have divided in favour of the latter. Was there anything shabby in a clause giving jurisdiction to a local Court? He trusted, therefore, that the Committee would not be misled by the remarks of the right hon. Baronet. The Committee by affirming the Amendment now before them would only declare that they would not give exclusive jurisdiction to the central Court, and that they reserved the question of the local Courts for future consideration. He was ready to bring up a clause to carry out the wishes of the Committee if the Attorney General declined to do so. Perhaps it might be found that a part of this jurisdiction might be given to the Courts of Assize — or to the Courts of Quarter Session; or he could conceive a clause giving jurisdiction to the County Courts. All this might be a matter for future consideration. The opinion of the Committee had not yet been taken upon this subject, and, although he should deeply feel any censure from the right hon. Gentleman, he should divide in favour of the Amendment, and should feel that he went into the lobby upon no 'shabby' division.

Sir GEORGE GREY must do his hon. and learned Friend the justice to say that he had taken a straightforward course. He said he was ready to frame clauses giving this jurisdiction partly to Courts of Assize and Quarter Sessions. Well, let the Committee have these clauses before them before they adopted this Amendment. When the Committee heard a description of the Courts which the hon. and learned Gentleman proposed to create they could afterwards enlarge the present clause. But he objected to agree to words of this kind which threw upon the Government a responsibility that they were not willing to accept.

Sir JOHN PAKINGTON said, he could not but regret the unnecessary warmth with which the right hon. Gentleman had spoken of the course taken by his noble Friend. He had not expected that the right hon. Gentleman would have used so harsh and unjustifiable an epithet as the word 'shabby.'

Sir GEORGE GREY: The right hon. Gentleman will permit me to interrupt him a moment to say that if I used the word 'shabby' in the heat of debate I am sorry for it, and beg to retract it.

Sir JOHN PAKINGTON: He would say no more upon this subject except that he was glad the right hon. Gentleman had recalled the word. The Committee had, he thought, wisely decided against delegating the jurisdiction in question to the County Courts. The right hon. Gentleman suggested that the Committee were now asked to pass a vote in the dark in giving local jurisdiction under the Bill to some Court not now in existence. In principle he concurred with his noble Friend; but if the Committee would not trust the County Courts there were no Courts now in existence that could exercise this local jurisdiction. He was not insensible to this difficulty, and unless his noble Friend could remove it he could not vote for his Amendment.

Sir WILLIAM HEATHCOTE said, he was of opinion that the Committee were not invited to take a step in the dark in the present case more than in any other in which they were asked to affirm a principle without working out all the details. What his noble Friend desired was to affirm that local Courts should discharge certain functions which under the Bill were intrusted exclusively to a central, distant, and expensive Court. The Committee had been told by the right hon. Member for Droitwich (Sir J. Pakington) that there was no local Court except that which they had already condemned, which could meet these requirements. Surely the right hon. Gentleman had assumed that for the purposes of this Act no Court could be local, except one always tied to the spot. The fact was, however, that any Court or Circuit might exercise a portion of the jurisdiction created by the Bill, and whether it ought to be a Court of Assize or a Court of Circuit, consisting of more than one Judge emanating from the central tribunal in London, it did not appear to him to be necessary to decide at the present moment, but either of them could hereafter be adopted in conformity with the suggestion of the noble Lord the Member for Leicestershire.

Mr. HENLEY said, the right hon. Gentleman the Home Secretary had complained that the noble Lord had proposed his Amendment without defining exactly what it meant. He thought the Government might recollect that those who supported the Amendment had complained from the very first that a large class of business was going to be swept away and no remedy at all provided. Surely it was not unfair that they should ask the Government to put something in the place of that which they proposed to take away. The Government proposed to build one great palace in the room of many small houses. The supporters of the Amendment said that one great palace would not suit the people throughout the country, and therefore they asked the Government, in whatever way they pleased, whether by moveable tents or otherwise, to give the people some opportunity of getting at those remedies which they now possessed.

The ATTORNEY GENERAL said, the proposition before the Committee was that they should adopt an Amendment running thus—that any husband or wife might present a petition to the said Court or to a blank Court—he knew not what—to be hereafter determined. He never heard of such a proposition before. A more infelicitous proof of the ability of the noble Lord in leadership he could not conceive. What might be thought of it by the Committee he did not know; but he hoped the stratagem of the noble Lord would not be successful. The proposal relative to the County Courts raised the broad question whether any local tribunal at present existing in the country should be intrusted with a portion of the jurisdiction created by the Bill; he had shown the greatest readiness to meet that proposal fairly and openly, but just when the Committee were on the point of deciding that great question, the hon. and learned Member for Youghal (Mr. Butt) was induced to strangle his own child, in order to make way for the miserable bantling of the noble Lord. He was surprised that the noble Lord should have led the Committee into such difficulty, and wasted so much precious time for the purpose of bringing forward a meaningless and unsubstantial proposition, which called upon the Committee to decide they knew not what. It was a species of negative proposition which settled nothing, and therefore he hoped the Committee would reject it, and pass at once to business.

Mr. DISRAELI observed that the difficulty into which his noble Friend, according to the description of the hon. and learned Attorney General, had drawn the Committee, would be rectified by a division which gave him a majority. If a majority assented to the Amendment the difficulty would vanish, and he should not be surprised if the requisite local Court were constructed by the exuberant ingenuity of the hon. and learned Attorney General himself. He hoped that no sophistry would blind the Committee to the issue really before them—namely, whether there should be a local jurisdiction or not. It was not necessary that that jurisdiction should be always on the spot, supported and sustained by that limited provincial experience of which the hon. and learned Attorney General seemed so much afraid. The Committee had an opportunity now to assert a principle which he believed to be sound, just and politic, and to which the people of this country were devoted. He was glad that the question had been cleared from the Amendment of the hon. and learned Member for Youghal, which was framed in such a manner that it placed a great principle in a very odious light. They had now that principle fairly before them, and if they decided in its favour, as he hoped they would, he felt persuaded that, instead of placing themselves in an awkward and inconvenient position, they would do an act fruitful of beneficial results.

SIR GEORGE GREY remarked, that if the Committee adopted the Amendment of the noble Lord, declaring that petitions might be presented to a Court "hereinafter established," and if no such Court should be established in the future stages of the Bill, those words would be entirely inoperative.

MR. DISRAELI: We shall take care of that.

LORD JOHN RUSSELL said, that whatever difficulty he might feel in voting for the Amendment, he would have far more in voting for the clause as it stood. When the hon. and learned Member for Youghal proposed by his Motion to give the local jurisdiction to the County Courts, the hon. and learned Attorney General partially assented to the proposal, and it was not till some time afterwards that he made the objections he now raised. The clause asked the Committee to assent to judicial separations taking place only upon petition to the Central Court, and by affirming it they would destroy all those local tribunals which at present granted relief. No harm, on the other hand, could be done by agreeing to the Amendment. What local Court should exercise the jurisdiction would be a question for consideration, and if no proper local tribunal could be found it would be quite competent to the Committee to strike out the words now proposed to be inserted. He thought they ought to make some attempt not to destroy all the existing local Courts without providing some equivalent. Whatever benefits might arise from other parts of the Bill the destruction of the local tribunals would be a great injury to the people, and he, for one, could never give his assent to such a proposition.

Question put, "That those words be there inserted."

The Committee *divided:* — Ayes 98; Noes 87: Majority 11.

Clause 20 (Decrees of Separation obtained during the absence of the Wife or Husband may be reversed).

MR. LYGON asked whether any means were provided for putting an end to the state of judicial separation?

THE ATTORNEY GENERAL said, that every judicial separation might be terminated at once by the agreement of the parties, in the same manner that divorces *a mensa et thoro* might at present be put an end to.

Clause *agreed to.*

Clause 21 (Court may direct payment of Alimony to Wife or Trustee).

MR. DRUMMOND said, he rose to move to leave out the first line and a half, and to insert words in the clause so as to make it run, "When the Court shall have decreed a judicial separation, it shall also make a decree or order of alimony, and it shall also." He was unwilling to leave a matter of this kind to the option of the Court.

Amendment proposed, "To leave out from the word 'which' to the word 'direct,' in order to insert the words 'the Court shall have decreed a judicial separation, it shall also make a decree or order for alimony, and it shall also.'"

Question proposed, That the words "the said Court shall make any decree" stand part of the clause.

MR. GLADSTONE expressed a wish to know whether the words "the said court" contained in the clause were sufficiently explicit after the decision which had been arrived at with respect to Clause 19.

THE ATTORNEY GENERAL said, that whatever might be the nature of the tribunal which the Committee might ultimately determine to establish he should take care that the wording of the various clauses of the Bill should be in accordance with their decision. With respect to the Amendment proposed by the hon. Member for Surrey, he would observe that there might be cases of judicial separation where there would be no right to alimony. The separation might be at the suit of the husband against the wife, or a wife who complained might have an ample separate property, in neither of which cases ought alimony to be given. The Amendment, if adopted, would make it incumbent upon the Court which pronounced a sentence of judicial separation to give alimony even in those cases. He conceived that the clause as it stood was sufficient, because it gave power to the Court in cases where the wife was the injured party and she had no separate fortune to grant her alimony.

LORD JOHN MANNERS said, he hoped, before the evening closed, they would hear some statement from the Government as to the effect of the decision at which the Committee had just arrived. Without waiting for that statement, however, he thought it desirable that the language of all the clauses should be made to harmonize, and he would therefore point out that while in Clause 20 the words "the Court" were used, in Clause 21 the words "the said Court" were introduced. He would suggest the omission of the word "said" in the latter clause.

The ATTORNEY GENERAL said, he would assent to the Amendment, and that the word "said" should be struck out.

Mr. DRUMMOND remarked, that he had seen so many cases of cruelty upon women who were left to starve by the husband who had injured them that he thought some protection ought to be afforded to them. He did not feel inclined to give up the words. The difficulty suggested by the hon. and learned Gentleman might be met by empowering the Court to give as little as sixpence.

Mr. HENLEY said, he thought the clause as it stood would leave the power of the Court to grant alimony as at present, while it would also give power to pay the alimony to a trustee. The Amendment of the hon. Member for Surrey would seem to indicate that the Court ought not to grant alimony except in cases where a sentence had been pronounced. In many cases at present suits were instituted solely with the object of getting the Court to settle alimony, and when that had been done no further steps were taken.

Mr. DRUMMOND withdrew his Amendment.

Amendments made.

Clause, as amended, *agreed to;* as also were Clauses 22 and 23.

Clause 24 (When Separation ceased the fact may be registered).

Mr. DRUMMOND said, the object of the Bill was, they were told, to create a tribunal that should be accessible to all classes. With that object in view he proposed to add at the end of the clause, the following words :—

> "And in cases where the parties do not reside in London, the said declaration may be lodged in the office of the County Court, the clerk of which shall cause all such declarations to be forthwith entered in a book to be kept by him for that purpose, and copies of the same shall be annually forwarded to the Registrar of the Court of Marriage and Divorce in London."

Mr. GLADSTONE said, the clause only provided that parties who had been judicially separated, but who had come together again, might cause a declaration to that effect to be filed. Would it not be better to make it imperative upon them to record in some formal manner the fact of their re-entering into the full married state? He could conceive it possible that if the matter were left optional, the parties, though reconciled, might find it convenient to preserve the state of judicial separation as a bar to the rights of creditors.

Mr. ADAMS observed, that the clause would only apply to the Court which was specially intended to have cognizance of these matters. If, however, the jurisdiction was to be given to the assizes or to local Courts having no registrar, the words of the clause must be altered to meet that case. He wished to know whether the Attorney General intended to act upon the recent decision of the Committee and himself to prepare clauses to give effect to that decision ?

The ATTORNEY GENERAL said, he thought that common courtesy demanded that he should wait to see what the noble Lord would propose. The noble Lord (Lord J. Manners) was at present in a state of gestation. When he had received the obstetric aid of the hon. and learned Member for Youghal (Mr. Butt), and had produced his clause, he, (the Attorney General), would undertake to give the offspring his most serious cogitation, and then his labours would entirely cease. When that coming event should take place they would be able to decide upon it, but at present he was unconscious of even what would be the sex of the noble Lord's offspring. He could not tell whether the Court to be created or appointed would have a registrar or not, nor what officers it would have, and therefore he was completely in the dark as to what would be necessary. He would, however, take no unfair advantage ; and, if it should hereafter be the pleasure of the Committee to refer the business to any other Court, he would, if the Committee pleased, take an opportunity of introducing words, of altering or regulating the language of the clauses in every respect to adapt it to the conclusion at which the Committee had arrived.

Mr. GLADSTONE said, he could not but express his disappointment at the tone which had been adopted by the hon. and learned Attorney General, in the first part of his speech, with regard to the decision at which the Committee had arrived. He had understood his hon. and learned Friend to say that he would take the division and be bound by the result, and there was every reason why it should be so. The supporters of the Bill had asserted all along that the Bill was not a measure to introduce a new law, but that it was only to establish a new form of procedure, and was it possible that the Attorney General, speaking as the organ of the Government, could say that he was not prepared to suggest any means of carrying out the decision of the Committee upon a question of procedure? The hon. and learned Gentleman must remember that the professed object of the Bill had been stated to be to extend the facility of obtaining justice, the poorer classes of the population, and, notwithstanding that statement, he proposed to destroy the facilities which those classes now enjoyed without substituting anything in lieu of them. The Committee must have observed how the hon. and learned Gentleman had dealt with the decisions at which they had arrived with regard to the power of local Courts. On one occasion he had on the subject of County Courts invited hon. Gentlemen opposite to suggest some scheme by which evidence could be received in a County Court and transmitted to the actual Court for decision; and again, on that very evening, the hon. Gentlemen who had supported the Vote at which the Committee had arrived, were called upon to suggest some mode of carrying it into effect. What, then, was the position of the Committee? They had the Government before them entirely declining to make any suggestion whatever as to the mode of providing a substitute for the local Courts which at present existed. For his own part, he thought that the Committee had a fair claim upon the Government that they should suggest some scheme for carrying into effect the decision at which they had arrived. If any hon. Gentleman had proposed to introduce a new principle into the Bill, no doubt then the Government might say with some reason that the proposer of that new principle ought to devise some machinery to carry it into operation; but no new principle had been proposed. Certain local Courts at present existed; the Committee were of opinion that there ought to be local Courts; and the Government were bound to suggest the form of local Court which should be substituted for those which at present existed, and which they proposed now to abolish. On other occasions when the sense of the House had been manifested the hon. and learned Attorney General had prepared clauses to carry out the views of the House, and he had done so most fairly and frankly, and, as the hon. and learned Gentleman encouraged such metaphors, he would say, with that fecundity of invention which he so eminently possessed. He hoped, therefore, that the hon. and learned Gentleman would apply his great ability in devising some plan for carrying out the opinion which had been expressed by the Committee.

Lord JOHN MANNERS said, he wished to remind the hon. and learned Gentleman that so strongly had he expressed his objection to one Amendment on the Probate Bill which had been agreed to by the Committee, that he had stated that it would necessitate the withdrawal of the Bill. When, however, he had seen the feeling of the House upon the subject, the hon. and learned Gentleman had most frankly and fairly come forward and suggested a mode of carrying into effect the decision at which the House had arrived. Upon the present occasion, however, the hon. and learned Gentleman did not show any inclination to attempt to carry out the expressed opinion of the House; but he would venture to hope that the hon. and learned Gentleman would see the advisability, if not the necessity, of acceding to the expressed wish of the Committee, and of bringing in a clause to carry that wish into effect.

Sir ERSKINE PERRY said, he wished to point out to the hon. and learned Gentleman that the Vote which the Committee had arrived at had been supported by as many hon. Gentlemen on his own as on the opposite side of the House, and he hoped that he would devise some scheme for carrying it into effect. It appeared to him that the only Courts open to the poorer classes were the County Courts, and unless some better suggestion were made, jurisdiction in cases of judicial separation, would have to be conferred upon those Courts.

Mr. HENLEY said, he thought that other means than the County Courts might be suggested for carrying into effect the decision of the Committee, but what he rose for was to ask the Attorney General what would be the *status* of persons who, having obtained a judicial separation, again cohabited together? Were they to remain with all the conveniences of man and wife in one sense, and without the inconvenience in another? Was their property to be separated whilst their persons were united?

The ATTORNEY GENERAL said, that the clause formed no part of the Bill originally introduced by the Government, but had been added to it by a noble Lord (Lord St. Leonards) in another place. As he understood the clause, the effect of it would be that where a judicial separation had been pronounced, and the parties came together again and cohabited the property of the wife would be subject to the debts which she had incurred when living as a *feme sole;* but the words of the clause were not very clear.

SIR FITZROY KELLY said, the 19th clause, taken in connection with the 24th, would introduce a state of the law entirely new to this country, and it was for the House to consider well all the possible cases that might arise under those sections. It was an important question, for example, to consider in what case the property would be exclusively that of the husband, and in what other cases it would be liable under the 24th section to be seized by the creditors of the wife. It could easily be foreseen that conflicts would arise between the creditors of the husband and the wife respectively, and this was therefore one of the points which it became them well to consider. Perhaps his hon. and learned Friend the Attorney General would also endeavour to devise some scheme by which, on the reunion of married parties after separation, an arrangement could be effected for putting the wife's property in possession of the husband, or giving them jointly and severally an interest in that property. With regard to the Resolution which had been come to by the Committee, he held that it was incumbent on Her Majesty's Government to give full effect to that Resolution. He had the utmost confidence in his noble Friend behind him (Lord J. Manners), but it was not competent to the Government, in regard to a Bill brought in by themselves, and which he held to be of greater importance with reference to the administration of the law than any Bill that had ever been introduced to Parliament in his time—introducing as it did changes in the law unexampled and unprecedented—to devolve upon others the carrying out of a Resolution to give local Courts a local administration under that Bill in the matter of judicial separation. It would be impossible to do justice to such a Resolution unless the Government, who were the authors of the Bill, themselves framed clauses to give effect to it, and framed them in harmony with the general structure of the measure. That he held to be the sole and exclusive duty of the Government. According to the terms of the Resolution come to by the Committee they were bound, somehow or other, to devise a scheme by which the provisions of this Bill could be administered in the various parts of the country. What Courts were to administer the law became a serious question. On that point it was not for him to enter; but, undoubtedly means should be found by which on simple summons a case might be heard in the country at the cost of only a few shillings to the parties. Perhaps the Court in London might have the power at once to remit what was deemed an important case to the Assizes, in smaller matters to the Quarter Sessions, and in smaller matters still to the Petty Sessions; at all events, some cheap and expeditious mode of having justice administered in the country ought to be adopted. He would say nothing further on the nature of these Courts, but he certainly thought the majority of the House would never consent to give the County Court the power of pronouncing a sentence of judicial separation.

The ATTORNEY GENERAL said, that a burden was once thrown by the Egyptians upon the Israelites of making bricks without straw. But that really was light in comparison to that which hon. Members wished him now to do; for having taken away the only local jurisdiction in the country, they asked him to find a local jurisdiction. He was, however, ready to say with the utmost frankness that he would accept the decision of the Committee not only with acquiescence, but with the desire fully and freely to co-operate with the promoters of that decision in carrying it out. If the hon. and learned Member for Youghal (Mr. Butt) would say that he would prepare a clause giving effect to the Resolution which the Committee had adopted, and would communicate with him, he would be most happy to co-operate and to concur with him in any proposition that would carry out that object.

MR. STAFFORD said, he did not think that what had fallen from the Attorney General ought to satisfy the Committee. He did not agree with the hon. and learned Gentleman that because the Amendment of his noble Friend had been carried against the Government all he (the Attorney General) had to do was to revise and consider a clause for giving effect to that Amendment, which another hon. and learned Member might promise to draw up. The doctrine laid down on this point by the hon. and learned Member for Suffolk (Sir F. Kelly) was strictly constitutional doctrine. There were only two courses for the Government to take if they wished to act according to the established practice of the House, and the Committee ought not to be satisfied unless they took either the one or the other. They should either withdraw the Bill, or consent to carry out the wishes of the Committee. The hon. and learned Attorney General could not escape from the difficulty in which the Government found itself by the proposition he had just made, and the Committee would act unwisely if it was content to listen to the midwife metaphors of the hon. and learned Attorney General rather than insist on his promising to carry out the principle embodied in the resolution of his noble Friend—a principle which he repeated he was bound to give effect to unless he had come to a determination not to go on with the Bill. He approved the speech which the hon. and learned Gentleman made after the decision of the Committee, but he was surprised that he did not conclude by moving, what would have been an appropriate sequel to that speech, that the Chairman should report progress. The hon. and learned Gentleman and the Home Secretary objected to the Resolution, because they said it was a leap in the dark, and that it would raise difficulties to meet them at every turn; and yet, instead of taking the course which in such a case he thought they ought to have taken, namely, to report progress, the hon. and learned Gentleman made the unprecedented proposition that the duty of carrying that Resolution into effect devolved not upon him, but upon those who had promoted it.

Mr. CLAY remarked that hon. Gentlemen who were opposed to this Bill seemed not only desirous of having their own way, but of having that way in their own manner. He considered that the course proposed by the Attorney General was a very fair and convenient one; and he thought, therefore, that, instead of wasting time in a discussion of this nature, it would be better to wait and see the result of the conference between the Attorney General, and the hon. and learned Member for Youghal (Mr. Butt.)

Mr. MALINS said, that the 22nd section provided that the property acquired by the woman during the separation should be held to her separate use when cohabitation again took place. This made it material to know whether the judicial separation was to be taken to be at an end when the parties again began to cohabit, or from the date of the registration spoken of in this clause? There might be a considerable interval between the two, and in that interval property might accrue to the wife.

The ATTORNEY GENERAL said, he thought the clause was at variance with the 22nd clause, and he should therefore propose to negative it.

Mr. GLADSTONE said, he wished to know whether in that case any other clause would be brought up in its place, to facilitate the return of parties to a regular state of marriage?

Mr. MALINS said, that if this clause were negatived the present practice with regard to the reconciliation of parties would be retained. The moment that they were reconciled the state of separation and all the provisions respecting it would cease.

Mr. AYRTON said, he apprehended that the omission of this 24th clause would not free this question from difficulty. In fact he believed that the Bill would lead to endless perplexity unless the 22nd clause as well as the 24th were got rid of. This judicial separation was a new law, altogether distinct from the old divorce *a mensâ et thoro*.

Mr. GLADSTONE remarked, that before coming to the next clause, which related to an entirely different subject, he wished to have it clearly understood who was to undertake to draw up the clauses embodying the decision to which the Committee had just come in respect to local tribunals. At present the point was rather obscure. It had been assumed that the hon. and learned Gentleman the Member for Youghal (Mr. Butt) had promised to prepare a series of clauses; but what he himself had understood the hon. and learned Gentleman to say was, that if the Government failed to prepare clauses he would then attempt the task. The hon. and learned Attorney General, however, seemed to have understood the hon. and learned Gentleman as volunteering without any conditions. He was afraid that between the two there would be no clauses at all, and that the decision of the Committee would remain entirely without effect.

Mr. BUTT said, that the right hon. Gentleman had correctly represented his view of the understanding. What he had said was that, if no one else did it, he himself would undertake to prepare clauses. His only object was to carry out the great principle of local tribunals in opposition to centralization, to which the Committee had agreed, and he was willing to co-operate with the hon. and learned Attorney General in any way which he might think best. If the Attorney General would prepare clauses himself he would cheerfully give him any aid in his power, or if the hon. and learned Gentleman preferred that he (Mr. Butt) should draw them up and submit them afterwards to him, he was perfectly ready to take that course.

Mr. SOTHERON ESTCOURT said, he begged to ask whether either of the hon. and learned Gentlemen had in his eye any existing Courts to which he proposed to commit the local jurisdiction respecting judicial separation?

Mr. BUTT said, that he did not understand that the Committee had negatived the propriety of giving jurisdiction in these cases to the County Courts; and, as then advised, those were the Courts which he should propose by his clauses. If, however, he found upon consideration and consultation with the hon. and learned Attorney General, that the objections to those Courts were insurmountable, there would still remain the Courts of Assize and Quarter Sessions, either of which he should prefer, to abolishing the existing local jurisdiction without providing any substitute.

Clause *negatived.*

Clause 25 (On adultery of Wife or incest of Husband Petition for dissolution of Marriage may be presented).

Mr. WARREN moved that the Chairman should report progress. The House met at twelve o'clock, and they had already been discussing this Bill for five hours and a half.

Sir GEORGE GREY hoped that the hon. and learned Gentleman would not persevere with this Motion. Although the House met at twelve o'clock it only sat for three-quarters of an hour.

Motion *negatived.*

Mr. DRUMMOND said, he rose to move an Amendment. In his opinion this was the most important clause of the Bill. He did not in the slightest degree retract his objections to the giving of any facilities for divorce *a vinculo;* but if, as he had no doubt they would, they overruled his opinions, he would then take them upon their own ground and endeavour to get equal justice for the woman. He should propose to omit all those qualifications of the adultery of the man by which the Bill prevented a woman having the same remedy as her husband. He objected to the word "incestuous" before adultery, and to the phrase "adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensa et thoro*, or of adultery coupled with desertion." His object was to have perfect equality between the two sexes. The laws of England were more severe against the woman than were those of any other country in Europe. That House was a body of men legislating for women, and they had by a code of their own invention, and for their own purposes, contrived to establish the general notion that unchastity in a man was a much less evil than unchastity in a woman. He was ashamed to say that, within the last few days, he had seen letters from fathers to their sons, just grown up, telling them that there was no sin in unchastity in a man, only in a woman; and he had known instances of parents who had gone even further than this in the inculcation of the same principle. He believed that that was the practice of mankind at large, however they might deny it in theory. The hon. Member for Hertfordshire (Mr. Puller) said the other day that there ought to be a divorce *a vinculo* the moment there was adultery, because adultery was of itself a dissolution of marriage. If that were so, he would ask, how many men in that House were married? This was not a question of his raising, nor was it the first time it had been raised. A woman was brought before our Saviour, and it was said, "She was taken in adultery, in the very act, what shall be done with her?" The answer was, "The first of you that is without blame take up a stone and throw it at her;" and what happened? They went out one by one. He brought these questions before them to show how little prepared they were, without serious reflection upon the rights of women, to do justice to this question, and he thought that the least they could do was to put the two sexes on a par. Another question which would follow, was as to the care of children. The law, as laid down both by Equity and Common Law Judges was, that a man, however wicked, had a right to the custody of his children, and the Courts could not give them to an innocent woman. He could quote cases to show that such was the law. In the case of "De Mandeville" the father took an infant from the mother's breast to compel her to make a disposition of her property. The mother appealed to the Court, and the Judge decided that he had no power. In the case of "McClellan"—[MR. MALINS:—What date?] He dared say the hon. and learned Gentleman could tell the date better than he could, but it was not long ago. In the case of "McClellan" a child was taken from the mother and given to a governess. In the case of "Ball," who was divorced for adultery, his daughter was given to him by the Court; he left her for some time with a common maid-of-all-work, and ultimately sent her secretly to school. In the case of "Greenhill" three little girls were taken from their mother, and placed, in effect, with the woman with whom their father cohabited. In all these cases redress was sought in the Courts by the injured wives, but they obtained none. In the last mentioned case the Judge in Chancery said he had no authority to interfere with the right of the father, and he could not even order that Mrs. Greenhill should see her children as a matter of right. That decision was afterwards confirmed by Mr. Justice Patteson, and his ruling was supported by the Queen's Bench. He now moved the omission of the word "incestuous," and also of the proviso at the end of the clause, his object being to put the man and the woman upon precisely the same footing.

Amendment proposed, to leave out the word "incestuous."

MR. PULLER said, that as the hon. Member for West Surrey had alluded to him, he begged to repeat the opinion he had before expressed, that marriage, viewed as a Divine institution, or, as it was called by the Apostle, a great mystery, was, in the sight of God, broken by the act of adultery. As to the manner in which human laws should deal with the matter, that was a distinct question, involving many considerations into which he should not now enter. When, however, the hon. Member for West Surrey called his attention to the fact that the sin of adultery was more prevalent among men than women, he was not called upon to deny that fact, nor to deny that, whereas chastity was the point of honour in women, it was not the point of honour with men. But the inference he drew was diametrically contrary to that drawn by the hon. Member for West Surrey. The inference he drew was that in legislating on the subject of adultery they could not, viewing it as a social question, be guided by the same principles with respect to women as with respect to men. He agreed with the hon. Member for West Surrey in thinking that in the sight of God unchastity was as great a sin on the part of men as on the part of women; but viewing it as a social question, as regards injury to society, he must affirm adultery to be a far greater injury to society when committed by women than when committed by men, in consequence of being attended with uncertainty as to the parentage of the offspring. It was also to be considered, as had been pointed out in the Report of the Commissioners that in legislating on the subject of adultery, if the same facility for divorce was extended to the woman as was given to the man, a power would be given to a selfish husband, by committing adultery, to drive the wife into the Divorce Court.

THE CHAIRMAN was about to put the Amendment to the decision of the Committee, when

MR. GLADSTONE said, he rose to ask whether the discussion was to be ended in that manner, and whether no declaration was to be made of the views of the Government on this important question.

THE ATTORNEY GENERAL replied that on introducing the measure he spoke on the principle as fully as possible, and stated that the law of the country on this point had been settled by the House of Lords, and that the Government adhered to the law as so settled.

MR. DRUMMOND said, he believed that it was not the law of the country, but a Resolution of the House of Lords, and he did not know that that was the law of the country any more than a Resolution of the House of Commons.

LORD JOHN MANNERS wished to know to what law the right hon. Member the Chancellor of the Duchy of Lancaster (Mr. Baines) referred, when he stated on a former occasion, that by the law of the land marriage was dissoluble.

MR. BAINES said, he had stated that, according to Lord Campbell, marriage was dissoluble on account of adultery, and that it was a quibble of lawyers to maintain the contrary. He apprehended he could not have referred to higher authority.

MR. GLADSTONE then rose, but before addressing the Committee complained that a hon. Member near him had protested against his proceeding to discuss the matter. He called upon the Chairman to decide whether he had not a right to proceed.

THE CHAIRMAN said, he had heard no interruption; but the right hon. Gentleman had a right to address the Committee, without being interrupted.

MR. BIGGS said, he had protested, not against the right hon. Gentleman addressing the Committee, but against the proceeding altogether, and he thought that the people of England would join him in that protest.

MR. GLADSTONE: I am sorry that I misunderstood the observations of the hon. Member, and that I have caused any trouble to the right hon. Gentleman in the Chair. The question under discussion is so grave that I thought it not unreasonable on the part of the hon. and learned Member opposite (Mr. Warren) to suggest at past eleven o'clock that the Chairman should report progress. I think that after many hours' attention to details and verbal questions, and to an endeavour to extricate ourselves from the intricacies of the clauses of this Bill, which are admitted to be unintelligible or misdirected to their end, and the greater part of which have been abandoned or postponed, we approach at very great disadvantage the settlement of one of the most serious and greatest moral and social questions that can be submitted to discussion. The hon. and learned Attorney General has stated a ground which, if it could be substantiated, would make the case pretty simple. He says that the law is already settled on this subject, and he does no more than merely not propose to alter it. That proposition seems to me to be utterly and entirely groundless. How can can it be said that, with respect to the remedy accorded to the woman, the law is fixed by the House of Lords, or that the House of Lords has laid down a procedure on that point? How can it be said, with respect to a practice of which, I believe, there are only four instances altogether, and under which a great multitude of new cases might and probably would emerge from time to time, and which have never yet received their decision, that the House of Lords, which in respect to questions connected with women is in a position essentially tentative, and has not yet found any certain ground, has fixed a state of law binding on our judgment? I say, then, there is no fixed state of the law on the subject. But it has been suggested that there is an inconsistency in contending that the principle of divorce *a vinculo* is a dangerous principle to be incorporated into our law, and yet to argue that, if adopted, it should be extended further than proposed by the Bill. I grant the difficulty in which we are involved. I look on the importation of the principle of divorce *a vinculo* into our law as an evil. I do not deny that there are various considerations urging you in that direction, but the danger which attends the change appears to me infinitely to outweigh those considerations. But when you have determined by the Bill that you will introduce divorce *a vinculo* into the statute law, it then becomes our duty to consider in what shape the introduction of the principle will be the least dangerous. I am not content to find an answer to that question in your rules of arithmetic. It is not enough to say that the form of introducing the principle will necessarily be the least dangerous by which the number of cases tried will be the smallest, because along with the principle of divorce *a vinculo* you introduce by this Bill another principle of the utmost importance, and, in my opinion, of the utmost danger—the principle that the rights of men and women, in regard to the highest relations of the marriage contract, are not equal, but unequal. I confess that when driven to a choice between the mischief of adding somewhat to the number of cases of divorce *a vinculo* on the one hand, and the mischief, on the other hand, of writing on the statute book that principle of inequality I have just mentioned, I make my choice deliberately in favour of the principle of the Amendment which has been moved by the hon. Member for West Surrey. I believe that the evil of introducing this principle of inequality between men and women is far greater than the evil which would arise from additional cases of divore *a vinculo;* and I take my stand in the first place on this, that if it be assumed that the indissolubility of marriage has been the result of the operation of the Christian religion on earth, still more emphatically I believe it may be assumed that the principle of the equality of the sexes has been the consequence of that religion. You have in the very earliest times some traces of what approaches to it; but it is the special and peculiar doctrines of the Gospel respecting the personal relation in which every Christian, whether man or woman, is placed to the person of our Lord that form the firm, the broad, the indestructible basis of the equality of the sexes under the Christian law. And I am amazed at the facility with which this question is dealt with by those who think that the act of adultery of itself dissolves the marriage tie. What said the right hon. Member for Cambridge (Mr. Walpole) in making his solemn appeal to the Committee? "I cannot enslave those whom God has made free;" and having enunciated the principle, he applies it to that small fraction of adulteries which are committed by women. Having claimed the benefit, if benefit it be, of the principle on behalf of men, he then proceeds to emancipate himself from the law which he has himself declared. But if adultery really constitutes in the sight of God that right to release from the marriage tie, and absolutely abolishes the marriage tie, so that those of whom one party has committed adultery are no longer married—if that be so, where do you find your title to withhold from women the remedy which you give to men? Is it to be found in considerations of social expediency? I am ready to dispute and to deny those considerations; but, suppose that it be, what right have you to set them up in bar of the charter which you say is written by God himself?—because the hon. Member for Hertfordshire (Mr. Puller) says that the stamp of God is not upon marriages where one of the parties has committed adultery, and another says that by the very act of adultery the marriage tie is dissolved. But if the marriage tie be so dissolved, what right have you to compel a woman whose marriage tie has thus been broken to live unmarried, in the external relations of marriage, with a man to whom she is not really united? I confess that the assumption of such power appears to me on your own principle entirely unwarranted. But, Sir, I dispute the considerations of social expediency. It would have been more satisfactory if the nature of those considerations had been more fully stated, for we have not yet heard from the Government any clear enunciation of those views of social expediency which they think warrant them in interfering, after having, on the ground of the Divine law, claimed divorce for the husband, to stop it for the wife. I say that the social expediency should have been shown very fully, largely, and clearly to justify you in arresting your career after you have given divorce to the man; but I deny that the expediency has been shown either clearly, largely, or fully. It appears to me that the Bill proceeds on an estimate either false or inadequate of the mode in which temptation operates on parties guilty of adultery according as they are men or women. I believe that a very limited portion of the offences committed by women are due to the mere influence of sensual passion. On the other side, I believe that a very large proportion of the offences committed by men are due to that influence. If you punished in men the act of sensual passion, you would make a law which in many instances would, I believe, be operative to prevent that act; but you decline to make such a law, and will not bring it into operation in precisely that class of cases where it might be remedial. You are going to enact that law, however, as against women. Now, is the case of women the same as that of men? So far as I am able to observe what passes in the world, or to learn what books teach us, it seems to me that in the vast majority of instances where the woman unhappily falls into sin, she does so from motives less impure and less ignoble than those which actuate the man. It is commonly because aversion has been contracted to the husband, or because attachment—and though a guilty, yet not a gross attachment—has been conceived for another object. That aversion is often grounded in the neglect or other cruelty of the husband, even where there is nothing worse; that attachment is grounded in the attentions of another admirer, and has no immediate or direct reference in its early passages to the commission of sin. You, therefore, punish in the woman that which she does not contemplate; and as it is not usually in her contemplation when she enters on the downward road, the punishment which you are about to inflict will have little of a deterring effect. But with the man, just the reverse is the case; for there is the direct action of sensual desires that causes him to offend, and there, where you might strike directly at the offence by giving the means of remedy to the wife, you refuse to do it. I must confess that it appears to me that a measure so framed is not so much designed in the spirit of preventing a particular sin as by way of the assertion—I must add, the ungenerous assertion—of the superiority of our position in creation. Of course I do not mean that that idea is present to the minds of those whom I address, or that they are capable of the wilful perpetration of an ungenerous act; but I do believe that it results from the exclusive possession of power and from the habits of mind connected therewith. On a former evening I ventured to throw out—of course by way of mere conjecture—some numerical statements with respect to the much greater frequency with which this offence was committed by men than by women; and after I had said that nineteen out of twenty were the offences of men, I think it was argued against me, "How inconsistent of you, who object to divorces *a vinculo* altogether, to propose to multiply the suits." I entirely disbelieve that there would be any such multiplication. I think that it would puzzle the wit of any man who sits in this House to answer the protest of Lord Lyndhurst, with respect to the manner in which women are treated under this Bill; and I believe that Lord Lyndhurst speaks the dictates of experience as well as of humane and Christian principle when he says that in no case but the most extreme would you find the woman inflicting on her husband the penalty with which the law would arm her. But by arming her with the right of divorce, you would greatly increase her power over him, and you would deter him from the commission of offences which among husbands are infinitely more common than among wives. Now, I will put to the Committee a case which will exemplify the manner in which a Bill of this kind will operate. Take the case of a person who committed adultery with his neighbour's wife. The guilty woman is divorced by her husband, but the adulterer remains linked to his wife, who has no means of liberating herself from him. The direct operation, then, of our law in that case is, that you put a premium on his adding either desertion or cruelty to his adultery, in order that he may bring himself within the scope of the law, and thereby may become qualified for a union with the guilty object of his desires. And I beseech you to consider now, as you admit the principle of divorce for women, how arbitrary is that selection of causes on which you are about to give it. It is formed on a very narrow induction of instances that have been brought before the House of Lords. You are going to give the remedy of divorce to women in cases where the husband is guilty of adultery, provided that it be combined with cruelty such as would procure an ecclesiastical divorce in an Ecclesiastical Court. Now, what is the meaning of cruelty? I have made some inquiries on this matter, and I understand that there is no doubt, whatever, among the highest ecclesiastical authorities, in accordance with the *dictum* of Lord Stowell, that cruelty, for which divorce is to be given in those Courts, must import danger to life, limb, or health, or a reasonable apprehension of such danger. Is that the only kind of cruelty which prevails in civilized society? Is that the only kind of cruelty which finds its way into the hearts of educated and refined women? Is not the cruelty of insult just as gross, just as wicked, just as abominable as the cruelty of mere force? And is not that a very common class of case? Is it not too notorious that there exist a multitude of instances in which no remedy has been sought for, or none granted by our law—instances in which the adulteries of the husband have not only been occasional, but continuous; not only continuous, but open; not only open, but committed under his very roof, and in connection with persons placed in the closest relations with the wife? And is not the insult inflicted in these cases one which sends the iron into the soul as deeply, and far more sharply, than any material instrument can send it into the body? On what principle, then, is it that you give a remedy to the wife in a case of bodily cruelty on the part of the husband, while, where the cruelty is directed to the soul, though this may inflict tenfold greater torture, you declare there shall be no remedy at all? I say, that your enumeration of cases, so far from constituting a law, merely supplies a list of the three or four most aggravating forms of the evil which happen to have been brought before the House of Lords, and omits, altogether, others still more notorious and more aggravating. The Committee should recollect, also, that we must endeavour to emancipate ourselves, on this occasion, from what I will call the fallacy of my hon. and learned Friend when he contends that we are not going to make a new law. Now, don't let us go into verbal disputes on this point. Don't let us hear quoted the *dictum* of Lord Campbell, contradicted by himself. What is the use of citing Lord Campbell's declaration, that divorce is known to the law of England, when you have the same Lord Campbell saying, at another time, that our law does not recognize divorce? There is no advantage in all this. Freed from technicalities, the state of the case is surely this. You have hitherto had a "law" of divorce. The expression is a most inaccurate one, but we will call it a practice or law of divorce, if you like, applying to a certain narrow and limited class of society. You are now going to lay down the principle that divorce shall be made applicable to all classes of society. Well, that at once brings into play a multitude of new influences, and gives rise to a multitude of new considerations. We know that the power arising from usage, tradition, and social position differs immensely, according to the class of persons you have in view. Thus you can inflict punishment, through the medium of public opinion, on the higher classes, which you cannot inflict on the lower classes; and when you are proceeding to pass a law of this kind, affecting, for the first time, the lower classes of society, you must prepare for a great variety of results which have not entered into your view under a system confined in its operation to those of higher social standing. I cannot help reading here part of a letter addressed to me by a person wholly unknown to me, who describes herself as a deserted wife. Speaking of this Bill, she says,

> "It is a most unjust and cruel measure, and will, if passed, destroy the sanctity of marriage, and legalize adultery on the part of the husband, by affording no relief whatever to the injured wife, while it visits her derelictions from duty with the greatest severity. Is this fair or just? I am aware that such has been the law of the land for many years past; but, as only few have been able to avail themselves of it, its demoralizing influence has not been so great as it will be now, when it shall be known through the length and breadth of the land, that man may commit adultery with impunity, and destroy the happiness and break the heart of the woman he has sworn to protect and cherish. I speak from sad experience, Sir, for my heart has been wrung, and my life embittered hopelessly and for ever by the cruel infidelity of a husband who openly boasted that the laws of England did not recognize adultery on the part of the husband as a sufficient ground for divorce, and that, consequently, it was no sin. I do not hesitate to affirm that, if this Bill pass, the sanctity and the purity of the marriage tie will be destroyed for ever, and that weak-minded and weak-principled men will quiet their consciences with the tacit permission granted them by Act of Parliament to indulge in a life of profligacy, while the oppressed and helpless wife will, in many cases, be driven to a life of sin, hoping by its excitement to stifle the anguish of a breaking heart."

I do believe this letter contains, upon the whole, a much truer estimate of life and human action than has been taken by the framers of this Bill. Sir, in balancing the difficulties which present themselves—the difficulty of making some addition to the cases of divorce, on the one hand, and, on the other hand, of admitting that most dangerous principle, the inequality of the sexes in the highest relation of life—I do earnestly hope that the Committee may be disposed to make that choice, which I shall certainly make for myself, by supporting the Amendment of my hon. Friend the Member for West Surrey.

MR. WIGRAM said, he thought the clause now under discussion fraught with such extreme danger to the morals of society, that he would do nothing to extend its operation, and would not, therefore, support the Amendment. Parliament was now, for the first time, about to confer upon the lower ranks of society the power of divorce, which, hitherto, had been partially exercised by the upper classes only. Now, he believed, that among a large portion of the humbler classes there was quite as much morality as was to be met with in higher circles; but amongst another large section of the lower classes were to be found none of those safeguards of respectability, of morality, and self-restraint, which public opinion kept up in other quarters; and his fear was, that when the clause came into practical operation among this class of persons, there would be introduced in the large towns a laxity of feeling on the subject of marriage, which would be productive of the worst consequences to society at large. Believing that this would be the general effect of the clause, he was persuaded that, by extending its operation in the manner proposed, this danger would be aggravated tenfold. The great evil to be apprehended from the introduction of this new law was, not that more divorces would be sought for from what might be termed accidental adultery, but it was, that married persons, wearied of each other, would commit adultery for the very purpose of obtaining divorce. In the pamphlet translated by the hon. Member (Mr. Drummond) it was stated that, although the Prussian law allowed divorce for almost any cause, yet it was found that divorce was sought, all but universally, on the ground of adultery, proving, completely, that the crime was committed for the mere purpose of dissolving the marriage. If this feeling became rife in England, it would be useless to say that divorce *a vinculo* was granted upon only one ground, because you would have adultery committed, perhaps through the connivance of the parties, just in order that they might avail themselves of the law. He viewed, therefore, the introduction of the principle contained in the clause as a most dangerous innovation upon the law of this country, and he could not be induced to vote for any extension of its operation. He quite sympathized with the observations of the right hon. Gentleman as to the equality of the sexes, and if he thought that this law had conferred any privilege upon the man, he should not hesitate to confer it also upon the woman. He believed, however, it was not for the happiness of the man that divorce should be made more easy. He thought they would be pressing a mere theory too far, and at the sacrifice of considerations of a most important character, if they gave to the wife the same facilities of obtaining divorce *a vinculo* as the Bill gave to the husband.

Mr. NAPIER said, he regarded this clause as one of the most difficult in the whole Bill. The question raised by it was one on which great moralists and jurists were entirely at variance with each other. But the Committee could not lose sight of this—that by the law of Scotland and also that of Holland both parties were on an equal footing with regard to divorce. His mind had fluctuated very much upon the question, but he could not arrive at any satisfactory conclusion which would deny the wife the remedy which the Bill would give to the husband. It was said that there might be cases of collusive adultery, that was to say cases in which the husband would conspire with another man to get rid of his wife, But divorce was not a matter of right. It was a civil remedy. The wife might or might not seek a remedy. Lord Stowell, one of the most enlightened and experienced Judges that this country had produced, said that even in cases where the husband prosecuted his right to a qualified divorce, in 99 out of 100 of these cases the adultery of the wife was caused by the criminal neglect of the husband. It was not likely that the wife would apply for a remedy in case of the adultery of her husband, unless that adultery were accompanied by circumstances that made it imperative for the sake of her own peace and that of her family to obtain a dissolution of marriage. With respect to the number of cases likely to arise he might mention that by a return made to the Government of France the number of cases that occurred in that country in one year was 1,681, of which upwards of 1,400 were for ill treatment, 116 for the adultery of the wife, and 109 for the adultery of the husband, being nearly equal in the case of the husband and the wife. He believed that the returns for Scotland would show that the cases there were about on a par. The proper remedy for collusive adultery would be to make adultery a criminal offence. If they were to take away altogether the civil remedy—the action for criminal conversation—set up a tribunal to which only a limited part of the community could apply, and subject the adulterer merely to a fine, and permitted him to marry the woman with whom he committed adultery, they would make adultery a very "respectable" offence. In the course of a debate in 1830, Dr. Lushington, who had had great experience in cases of this nature, said, after adverting to the system of granting divorce by private Acts of Parliament to the rich, while no remedy was given to the poor—

> "This certainly was a striking and, perhaps, a still greater objection than that which he had mentioned—that while the injured husband was allowed to resort to Parliament for relief the same facilities were refused to the offended and deeply injured wife, unless in those horrible cases in which incestuous connection was proved to have taken place. Ever since he had an opportunity of considering this question this anomaly had struck him, and he never could reconcile with the principles of justice that principle by which the Legislature refused that relief to the wife which was granted to the husband. If there ought to be any distinctions or greater favour shown to one party rather than to another the favoured one ought to be the wife—the weaker party."

He (Mr. Napier) did not say that adultery *ipso facto* dissolved marriage, but he maintained that the innocent party ought to have the power of dissolving it.

Mr. BUXTON argued, that the distinction drawn by this clause was consistent with the intuitive feeling of mankind. In all ages it had been felt that the adultery of the wife brought ruin on the married state, but not so the simple unfaithfulness of the husband. This was evident from the general prevalence of polygamy except where Christianity had introduced a purer standard. But polygamy, though permitted to the male sex, both in the animal world and in human societies, had never been conceded to the female. From this and other circumstances, it appeared that nature drew a distinction in this matter between the husband and the wife, and he deemed it the first and most fundamental principle of statesmanship to adapt human laws so as to chime in with the dictates of intuitive common sense. Of course, he detested this crime in either sex, and considered it a foul transgression against the laws of God, but he did not think that either the instincts of mankind, or the arrangements of nature, would justify us in placing them on the same level.

SIR WILLIAM HEATHCOTE said, the speech of the hon. Gentleman who had just sat down appeared to have raised considerations and to have suggested reasons, in his view far too grave to be disposed of without some observations upon them, and he hoped the hon. Gentleman would bear with him for a few moments. The hon. Gentleman had stated principles on which he thought, and, as he (Sir W. Heathcote) understood, mainly thought that the distinction between the two sexes was to be maintained in this enactment. He had stated the only principle on which it could be maintained, and that principle was one which ought to startle that assembly, when they recollected that it was the principle of polygamy. The hon. Gentleman said—at least so he understood him—that it was to be inferred from the instincts of mankind in former days towards polygamy that there was a distinction between the relations of the sexes which ought to govern the Committee in dealing with the proposed enactment, and that it followed from the institution of polygamy which prevailed in many parts of the world, and even among the Jews, that the sexes did stand, with respect to that relation, on a different footing from each other. Was it not a fact that by the operation of Christianity the civilized world had come to regard polygamy in its true light; and was it not to be inferred that by the very same process by which mankind had come to abhor that system they would be taught to look with suspicion and distrust on an enactment which could only be justified with reference to it? Christianity had extirpated the public recognition of polygamy, but it had not extirpated many of the shades of it, which still remained as the relics of a barbaric age. They ought, therefore, to be on their guard when they came to deal with an enactment based on such principles as that before the Committee. It was incumbent on them to take that first opportunity of entering a protest against what was in itself an injustice and based on principles that would not bear the light of day. He hoped, therefore, the Committee would entirely repudiate the clause as it stood, and vote for the Amendment of his hon. Friend the Member for West Surrey.

MR. DRUMMOND said, he would beg to remind the Committee that they were about to vote on the omission or retention of the single word "incestuous," as applied to the adultery of the husband.

MR. WALPOLE said, it was quite true that such was the question, but the point that had been raised, and most properly raised, was whether the rule or practice which now prevailed of making a distinction between the sexes, with reference to divorce *a vinculo*, but not to judicial separation, was proper or otherwise. He entirely concurred with his hon. Friend (Sir W. Heathcote) that the distinction could not be justified on the ground that the man was to be allowed to live in a state analogous to polygamy. He also concurred with his right hon. Friend the Member for the University of Oxford (Mr. Gladstone), that the sin or crime of adultery, on whichever side it might be committed, was precisely the same in the sight of God, and that the woman, as well as the man, had a perfect right to have it so considered on all religious grounds. But the only question was whether on social grounds and civil considerations it was expedient or inexpedient to make the distinction between the two which was recognized in the clause as it stood? They had it on the authority of Chancellor Kent, the eminent American jurist, that he found that, by allowing the same right of divorce to the woman as to the man, the very offence was brought about which it was the interest of society to prevent, because the man had recourse to it in order that he might obtain a divorce. The Legislature of this country also, in the divorce Bills it had passed from time to time, had always deemed it a wise and prudent thing to recognise the distinction made in the clause now under consideration, and, if his right hon. Friend the Member for the University of Oxford would refer to the judgments given by the learned Lords in the other House of Parliament on the subject, he would find that they expressed their belief that connivance at adultery would take place if the wife were allowed to obtain a divorce on the same ground as the husband. He (Mr. Walpole) therefore thought the distinction a wise one, and that the consequences of the crime of adultery were very different in the two cases, leading as it did in the one to a spurious offspring, but not in the other. On social grounds then, but on social grounds alone, he should oppose the Amendment of his hon. Friend, and support the clause as it stood.

Question put, "That the word 'incestuous' stand part of the clause."

The Committee *divided*:—Ayes 126; Noes 65: Majority 61.

THE ATTORNEY GENERAL then moved, that the Chairman report progress and ask leave to sit again.

Motion *agreed to*. House resumed.

Committee report progress; to sit again on *Tuesday* next.

ECCLESIASTICAL COMMISSION, &c., BILL.—REPORT.

Order for the consideration of the Bill, as amended, read.

LORD JOHN MANNERS said, he should move the omission of Clause 24, because he objected to anything which gave a permanent character to the Commission, or indicated an intention always to retain a costly Commission for the purpose of inquiring once in every five or ten years whether the estate of a bishop was £4,950 or above £5,000 a year.

Amendment proposed "To leave out Clause 24."

SIR GEORGE GREY said, that the Commission was a necessary adjunct to the machinery provided by the Bill, and if, as the noble Lord apprehended, that its duties became merely nominal, the Legislature could make some other arrangement.

Question put, "That Clause 24 stand part of the Bill."

The House *divided*:—Ayes 94; Noes 12: Majority 82.

Clause *agreed to*.

MR. HODGSON said, he rose to move the adjournment of the debate in consequence of the absence of an hon. Member who had a clause to propose protecting the rights of a person interested.

SIR G. GREY said, that no new clause could now be brought up, but a clause might be moved in another place.

MR. SPEAKER reminded the hon. Member that by moving the adjournment of the debate he would not improve his position, because the clause could not be proposed when the debate was resumed.

Motion by leave *withdrawn*.

Bill to be read 3° on *Monday* next.

POLICE (SCOTLAND) BILL.

Order for the consideration of the Bill as amended read.

MR. CAIRD moved the omission from Clause 12 of the words "or suspected," upon the ground that the clause, as it stood, would confer upon constables powers of a more arbitrary nature than it was desirable they should possess.

Amendment proposed, in Clause 12, line 14, to leave out the words "or suspected."

THE LORD ADVOCATE objected to the Amendment.

Question put, "That the words 'or suspected,' stand part of the Bill."

The House *divided*:—Ayes 31; Noes 10: Majority 21.

Bill to be read 3° on *Monday* next.

House adjourned at Two o'clock
till Monday next.

HOUSE OF LORDS,

Monday, August 10, 1857.

MINUTES.] PUBLIC BILLS.—3ª County Court Judges (Falconer and Yates's) Salaries; Charitable Trusts Acts Continuance; Superannuation Act Amendment; Fraudulent Trustees, &c.; Trustees Relief.

COMMISSION.—The following Bills received the Royal Assent: Militia Ballots Suspension; Public Health Act (Aldershot); Registration of Long Leases (Scotland); Burial of the Dead within the City and Liberties of London; Bill Chamber (Scotland); Commons Inclosure; Turnpike Acts Continuance; Land and Assessed Taxes, &c. (Scotland) Acts Amendment; Christ Church (West Hartlepool); Representative Peers (Ireland); Oxford University; Chatham Lands, &c.; Inclosure Acts Amendment; Portland Harbour; Public Works (Ireland); Bankruptcy and Real Securities (Scotland); Canada and New Brunswick Boundaries.

THE STAMPING OF LETTERS.
QUESTION.

LORD CAMPBELL said, he wished to call the attention of his noble Friend the Postmaster General to the illegibility of the Post Office stamps on letters. He had before directed his noble Friend's attention to the subject, and he knew that he had been exerting himself to the utmost, with a view to the marks being rendered sufficiently legible. This was sometimes very important for the administration of justice. He (Lord Campbell) had seen the greatest inconvenience resulting from the circumstance that, in the cases to which he referred, the marks were mere blotches, and wholly illegible; and, in a recent trial, at Edinburgh, the necessity for improvement was manifest, it being very important in that case, to ascertain when a particular letter passed through the Post Office. The French letters were stamped in a much better manner than our own, and he did not see why there should be such a difference. He would, therefore, ask his noble Friend what hope there was of any improvement?

THE DUKE OF ARGYLL said, that, in consequence of his attention being directed to this subject, by his noble and learned Friend, he had made inquiries respecting the stamping of letters, and he had ascertained that the real difficulty arose from the great amount of stamping done by manual labour. If his noble and learned Friend were to visit the Post Office at six o'clock, he would witness the marvellous rapidity and accuracy with which the process of stamping was effected on hundreds of thousands of letters. It was very desirable to keep the box open to the latest possible moment, and the pursuit of this object left scarcely sufficient margin for stamping. An infinite number of suggestions, with respect to the stamping of letters, had been sent to the Post Office within the last few months, very much in consequence of the observations made by his noble and learned Friend. There was no doubt that manual labour could never effect the purpose so perfectly as a machine; and he was happy to state, that a machine had been invented by a gentleman connected with the Post Office, which promised to produce a great amendment. The superiority of the foreign stamps might be attributed to the comparatively small correspondence with which foreign post offices had to deal, and, still more, to the use of letter-paper not so highly glazed as that generally used in this country.

REPRESENTATIVE PEERS (IRELAND).

LORD MONTEAGLE called the attention of their Lordships to the claim of the Earl of Carysfort to be admitted to vote at the election of Representative Peers for Ireland, praying that the Resolution of their Lordships, of the 3rd July last, might be deemed to apply to his claim, and that such claim might be referred to the Lord Chancellor, to consider and report thereon. He considered that where a Peer had established his claim of sitting and voting in their Lordships' House, the same evidence should be held sufficient and the same procedure be adopted in the case of proof of a right of voting for a Representative Peer. The facts to be established were identical. The noble Lord concluded by moving,

"That the Petition of the Earl of Carysfort (presented on Thursday last) be referred to the Lord Chancellor, to consider and report thereon, as if it had come under the Standing Order of the 3rd July last."

LORD REDESDALE said, they could not act upon that suggestion without contravening a Resolution which they had adopted in a full House, and after careful consideration. He did not say it was absolutely undesirable that the Resolution should be altered, but it appeared to him that, as the Resolution had been adopted when there was a full attendance of Irish Peers, such an alteration ought not to be made at a time when there was not a single Irish Peer in London.

LORD CAMPBELL agreed with the noble Lord (Lord Monteagle) that the proper course would be, to alter, in due form, the words of the Standing Order.

THE LORD CHANCELLOR also agreed with the noble Lord, that the better course would be to alter the Resolution formerly agreed to. He thought there could be no necessity for postponing the matter to another Session of Parliament.

LORD REDESDALE again expressed his opinion, that, as no Irish Peer was present, it would be better to postpone the question till next Session.

LORD MONTEAGLE said, that, adopting the suggestion of the noble and learned Lord, he should now give notice that he would, to-morrow, move an alteration of the Standing Order, so as to meet the case.

Standing Order of the 3rd of July last, to be considered, in order to its being amended.

House adjourned, at a quarter to Seven o'clock, till To-morrow, half-past Two o'clock.

HOUSE OF COMMONS,

Monday, August 10, 1857.

MINUTES.] PUBLIC BILLS.—2° Joint Stock Companies Act (1856) Amendment.

3° Ecclesiastical Commission, &c.; Dulwich College.

THE THAMES CONSERVANCY BILL.

LORDS' AMENDMENTS.

Order for the consideration of the Lords' Amendments read.

SIR JAMES DUKE said, he would take the opportunity of protesting against this measure being carried through as a private instead of a public Bill. From this reason hon. Members had not had an opportunity of objecting to any portions of it, and he had many complaints made to him respecting various provisions of the Bill.

SIR JOHN SHELLEY said, he agreed with his hon. Friend that this Bill should have been a public and not a private Bill, and that it contained many objectionable features.

MR. BRISCOE remarked that he was of the same opinion.

MR. SPEAKER said, he begged to remind the hon. Member that they were not then discussing the principles of the Bill, but simply considering the Lords' Amendments.

Lords' Amendments *agreed to.*

OATHS TAKEN BY MEMBERS.

COMMITTEE.—REPORT.

LORD JOHN RUSSELL brought up the Report of "the Select Committee appointed to consider whether the Act 5 & 6 *Will.* IV., c. 63, is applicable to oaths appointed by law to be taken by Members of this House at the table previous to taking their seats."

The Report was read by the Clerk at the table as follows:—

"The Committee have considered the matters referred to them. The following Resolution was proposed by a Member of the Committee:—

"'That, in the opinion of this Committee, the House of Commons is included within the following words of the 8th section of the 5 & 6 *Will.* IV., c. 62—that is to say—'All bodies now by law or statute or by any valid usage authorized to administer and receive any oath.'

"Upon deliberation the Resolution was passed in the negative."

LORD JOHN RUSSELL: Sir, in moving that this Report be laid upon the table, I beg leave to say, as I may be asked a question on the subject, that at this late period of the Session I do not propose to go on with the Oaths Validity Bill. I intend to move that that order be discharged; but, at the same time, I wish to say that this subject is in that state that I think it will be necessary for Parliament to consider it at the very commencement of next Session. I beg leave to move that the order be discharged, and I give notice that I shall, early next Session, bring under the consideration of Parliament the question of the oaths taken by Members of Parliament.

Report to lie on the Table.

MR. NEWDEGATE said, he believed the noble Lord the Member for the City of London, in presenting the Report of the Committee upon Oaths taken by Members, had moved that it should lie upon the Table, but had not moved that it should be printed, which it was most desirable should be done.

LORD JOHN RUSSELL: I shall now move that the Report be printed.

Report *ordered* to be *printed.*

SUNDAY BANDS IN THE PARKS.

QUESTION.

MR. HANBURY said, he would beg to ask the right hon. Baronet the Home Secretary whether he has received a memorial on the subject of the Sunday bands in the Parks being encouraged by the Government, while preaching is prohibited; and, if so, what answer Her Majesty's Government are prepared to give to the prayer of that memorial.

SIR GEORGE GREY, in reply, said, that about ten days previously he received a memorial, signed by the rev. secretaries of three Associations in the metropolis for the better observance of the Lord's day and the encouragement of open-air preaching, complaining that while bands were permitted to play on Sundays in the Regent's and Victoria Parks, preaching had been forbidden. The Parks in question were not under the direct control of the Secretary of State, but under that of the Chief Commissioner of Works. At the same time he had no objection to answer the question which had been addressed to him. He had been assured that no direct sanction had been given by the Government to the playing of the bands on Sunday. They were purely voluntary bands, and the Government had done nothing more than abstain from interfering with them. With the exception of the memorial to which he had referred, he was bound to say he had received no complaint in regard to the playing of the bands from the neighbourhood of either of the Parks. The grounds upon which his right hon. Friend the Chief Commissioner of Works had prohibited preaching in the Parks were, he thought, quite sufficient. It appeared that persons of different religious denominations were in the habit of advocating their views in the Parks on Sunday, thus diverting those places from their legitimate purposes—the amusement and relaxation of the people. The evil at last was carried to such an extreme that parties were found avowedly proclaiming atheistical and infidel principles. Under these circumstances the Chief Commissioner of

Works considered that the permission to preach had been abused, and deeming it impossible to allow policemen to exercise a discretion in the matter, therefore withdrew altogether the permission which had been given to preach in the Parks.

SIR BENJAMIN HALL said, he thought it was only fair that he should state to the House what the allegations in the memorial were, and then give his answer to them. The memorialists declared that they regretted that the playing of private bands on Sunday afternoon had been resumed in Regent's and Victoria Parks; that the platforms erected there at the public expense were used by those bands, while seats were let for hire, and programmes sold for the benefit of the performers; that while all this was done with the sanction of the Chief Commissioner of Works the permission to preach had been withdrawn. He was much surprised at these statements, which had but little foundation of truth. After the discussion which took place last year the bands which had obtained the sanction of the Government to their playing on Sunday were discontinued, in deference to certain opinions which had been expressed upon the subject, and he had taken no part whatever in their renewal. The platforms upon which the bands played on week days were used, he understood, on Sunday, and he thought he should not be justified in entering upon a collision with the people upon such a subject. Another allegation of the memorialists was that persons were prevented going to the Parks in consequence of the disorderly conduct of the people during the playing of the bands. He had frequent reports from the park-keepers and from the superintendent of the Parks, but he had not heard one single complaint of the conduct of the people; on the contrary, he believed that the cases before the magistrates on Monday had by no means increased. Last year, during the playing of the bands sanctioned by the Government, upwards of 200,000 people visited the Parks on Sunday, and yet not one single case arising out of the bands came before the magistrates. The grounds upon which he stopped preaching in the Parks on Sunday might be shortly stated. In a report which he received from the superintendent of the Parks he was informed that upon a Sunday in August last year, there were one Protestant minister, five Emanuelites (four males, and one female), five total abstainers, and eleven infidels preaching at the same time one against the other. The park-keepers took down some of the sentences which they heard uttered, such as, "If there is a God, he is the author of all evil;" "There is no evidence of a future life;" "The Deity is unknown to men;" and a great number of other most blasphemous doctrines with which he would not disgust the House. Upon the receipt of that report he felt it his duty to prohibit preaching altogether, believing that a discretion could not properly be left to the superintendent or the park-keepers, as to what was orthodox and what was infidelity.

LORD LOVAINE said, he wished for an explanation of the statement in the memorial that money was paid for admission to hear the music.

SIR BENJAMIN HALL said, there was no such statement in the memorial. What the memorialists said was, that seats were let for hire, and programmes were sold for the benefit of the performers. He knew nothing about the programmes; but with regard to the seats he might state that in all the Parks there were certain persons allowed to let out chairs to those who wished to have them.

DIPLOMATIC PAYMENTS.—QUESTION.

MR. WISE said, he wished to ask the Secretary to the Treasury whether it is intended to abolish the system of deductions being made by certain officials at the Foreign Office from the salaries paid to Her Majesty's Diplomatic and Consular Servants abroad?

MR. WILSON said, that the form in which the question of the hon. Gentleman was put was calculated to mislead. There was no compulsory deduction made from the salaries of the consuls, but the consuls sometimes appointed certain gentlemen in the Foreign Office as their agents, who performed every description of duty for them, received their salaries, forwarded their letters, and did all the business which a foreign Minister required. The foreign Ministers need not appoint agents unless they pleased. But the system had appeared to the Government to be an objectionable one as regarded the officials at the Foreign Office standing in the relation of agents to foreign Ministers, and the matter had been under the consideration of Government. It was in the interest of the foreign Ministers that the system should not be entirely abolished; if it were, they must consider what substitute they could provide for it.

MR. WISE said, he wished to know whether the system, as it existed, was not an injury to foreign Ministers?

MR. WILSON said, he could not see how having an agent could in any way injure the foreign Minister, particularly as the arrangement was quite voluntary.

ASSIMILATION OF WEIGHTS AND MEASURES (IRELAND).

QUESTION.

SIR WILLIAM VERNER said, he wished to ask the Chief Secretary for Ireland if it was his intention, on the part of the Government, to bring in a Bill to assimilate Weights and Measures in Ireland next Session?

MR. H. A. HERBERT said, a Bill had been prepared for the regulation of Fairs and Markets in Ireland which contained a clause equalizing Weights and Measures all over Ireland, so far as Fairs and Markets were concerned. He was not aware of any intention on the part of the Government to introduce any other measure on that subject.

EMBODIMENT OF THE MILITIA.

QUESTION.

MR. CORRY said, he would beg to ask the Under Secretary for War whether, in the event of a portion of the militia being embodied during the recess, it is the intention of the Government to call out any Irish regiments?

SIR JOHN RAMSDEN said, that if it should be found necessary to embody any part of the militia the first consideration would be to select those regiments which were in the most efficient state for immediate duty; but subject to that first consideration a fair proportion of regiments would be selected from England, Ireland, and Scotland.

RECALL OF COMMODORE KEPPEL.

QUESTION.

SIR CHARLES NAPIER said, he wished to know whether it is true that, notwithstanding the acquittal of Commodore Keppel by Court Martial, the Admiralty have recalled the gallant officer from the Chinese seas.

SIR CHARLES WOOD said, that with the utmost deference to the House and to the hon. and gallant Member for Southwark, he must decline to answer the question. He thought it most inexpedient that the House should interfere with the appointments of officers by the Executive.

THE COMMON LAW COMMISSION.

QUESTION.

SIR JOHN PAKINGTON said, he would now ask whether the Report of the Common Law Commission, which had been printed and presented to the House, would be sent to all the Members, or whether copies of it would simply be deposited at the Vote Office. There was a number of other papers on the same subject, of which a list had been printed, and he also wished to know whether these would also be circulated among Members?

SIR GEORGE GREY said, he willingly admitted that on a question of this importance it was desirable that the papers should be printed and circulated, but he did not think a sufficient number of copies had been printed.

MR. WILSON said, with regard to the second question, that if there was a sufficient number of copies there could be no objection to the circulation of the papers. Some of them, however, had been presented many years ago, and only a few copies were in print.

PAROCHIAL SCHOOLMASTERS' (SCOTLAND) BILL.—QUESTION.

MR. CRAUFURD said, he wished to know if the above Bill, which had come down from the Lords, had been introduced at the express desire of the right hon. and learned Lord Advocate; if so, whether Government meant to take charge of it, and why it was proceeded with at a period when nearly every Scotch Member had left town? Lastly, he wished to know whether it was to be proceeded with that night or during the present Session?

THE LORD ADVOCATE said, it was his intention to proceed with the Bill that evening, and that it had not been proceeded with without full consultation with the Scotch Members.

MR. CRAUFURD said, that he would attend in his place and give the Bill every opposition possible.

THE CASE OF LIEUTENANT COLONELS APPOINTED BEFORE 1854.

QUESTION.

Order for Committee (Supply) read.

GENERAL PEEL said, he rose to put a question to the hon. Gentleman the Under Secretary for War upon a matter of great interest to many gallant officers, who had suffered much injustice by the operation of the Royal Warrant of the 6th of October,

1854. All officers who before the date of the warrant had obtained the rank of Lieutenant Colonel had done so upon the express understanding that their future promotion should be by seniority, and that no officer should be promoted over their heads, except under certain special circumstances. So far from that understanding being adhered to, the senior officer who was affected by the Royal Warrant had seen no less than fifty-four officers pass over his head, and those subsequently promoted had been in like manner superseded by numbers varying from sixty-four downwards. The House would find the whole case clearly and temperately stated in a pamphlet written by Colonel the Hon. J. Lindsay, late a Member of that House. His hon. and gallant Friend was prepared to bring forward the subject in the last Session of Parliament, but had been prevented by the sudden dissolution, and, having unfortunately failed to obtain his re-election, had requested him (General Peel) to bring the matter under the consideration of the House. He had such an opinion of the merits of the case, and such confidence in the sense of justice possessed by those who administered the affairs of the army, that he had great hopes of receiving a satisfactory answer. He would, therefore, conclude by asking the Under Secretary for War, If the attention of the Military Authorities has been directed to the case of certain Lieutenant Colonels of the Army who have been passed over and superseded under the provisions of a Royal Warrant of the 6th day of October, 1854, their commissions as Lieutenant Colonel being dated before that warrant was issued; and whether it is intended to restore these Officers to the relative position of which they have been deprived by its retrospective action?

General CODRINGTON said, that no doubt the warrant in its practical effect was very unfair towards the Lieutenant Colonels. It displaced many officers who had been promoted to the rank of Lieutenant Colonel for distinguished services, and superseded them by officers who had not so distinguished themselves, but had merely served their regulation six years with their regiments, in the usual routine. They had heard a great deal lately about compensation to proctors and others, but this was not a case for compensation, but a question of right and justice, seeing that these gentlemen had been deprived of their position by a direct act of the Government, and by no fault of their own. Common justice required that in any Order of Council exceptions should be made in favour of those who attained their rank before it took effect. No fewer than from sixty to eighty officers, many of whom were promoted for distinguished services in the field, had been passed over in this way. He trusted that the Government would not only take this case into their favourable consideration, but also into their just consideration, for it was merely a question of justice, and not of favour.

Mr. ROEBUCK said, he wished to ask the Under Secretary for War a question upon another subject, and which he could answer at the same time with that of the hon. and gallant Member for Huntingdon. It would be in the recollection of everybody that the hon. Baronet greatly won upon the House the other night by a statement he made as to the manner in which our soldiers were prepared when they got to India to meet the exigencies of the climate. Among other things he stated that our troops were provided with cotton covers for their helmets and foraging caps. Now, in that day's *Times* there was a distinct denial of that statement. They were told in *The Times*—and the information was printed in the largest type employed on that paper, in order, no doubt, to draw public attention to it—that the information given by the hon. Baronet was not correct, that no such cotton covers had been issued to our troops, and that they were going to India in heavy marching order. Now, he wished to know whether it was true that the men had not received, as the hon. Baronet had stated they had, coverings for their helmets and foraging caps; and, if not true, on whose authority the statement was made to the House. Of course, he could not for a moment suppose that the hon. Baronet made a statement which he did not believe, and he (Mr. Roebuck) put the question now in order that, if not correct, it should be brought home to the man who communicated it to the hon. Baronet.

Sir JOHN RAMSDEN said, he had to state, in reply to the gallant General the Member for Huntingdon, that the warrant to which he had referred had received and was now receiving the careful attention of his noble Friend at the head of the War Department, and His Royal Highness the Commander in Chief. They were fully aware that in practice that warrant had not answered the expectations formed of it. It would be recollected, however, that it was framed on the recommendation of a Royal Commission, which was appointed to consider the subject, and that any steps to be taken regarding it must be adopted with extreme care, especially as the matter involved calculations of the most minute and difficult character, in order that full justice might be done. He was unable to say what precise steps would be taken to remedy the evils complained of, but he could assure the hon. and gallant Officer that the attention of the military authorities was earnestly directed to the subject. In answer to the inquiry put by the hon. and learned Member for Sheffield he had to state that he also had observed the paragraph to which the hon. and learned Gentleman alluded. He found on inquiry that the state of the case was this:—The troops sent out to China had received cap covers, or materials for making them. The cavalry, artillery, and engineers sent to India took with them cap and helmet covers made up; but the infantry now proceeding to India did not take with them cap covers. The material, however, would be provided for them in India, and he was informed there would be no difficulty in getting any amount of material in the shortest possible period. Orders had been sent out by overland that no time should be lost in preparing the cap covers, so that they might be ready for the troops when they arrived.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

NEW PUBLIC OFFICES.

ADDRESS MOVED.

Mr. BERESFORD HOPE said, he rose to move an Address to the Crown for a Commission to consider the site and plans of the proposed new public offices. Although his own name had come before the public in connection with certain recommendations, yet he did not take this Motion with any intention to persuade or entrap the House into any particular plan of rebuilding the public offices. His sole object was to obtain a full and complete investigation of the subject, a fair trial and patient hearing, which had not yet been granted, but without which it was possible the rebuilding of these offices might cost the country hundreds of thousands, and yet prove an abortion after all. He was aware it was late in the Session to come forward, but the Report of the Judges had not been long printed, and he had therefore no earlier opportunity of raising the question. The recent exhibition in Westminster Hall had made every Member familiar with the matter. It was curious to ascertain what Parliamentary sanction existed for an undertaking which would cost the Government £5,000 in prizes, and the competitors tens of thousands in producing their drawings. In looking over the pages of *Hansard*, the only notice he found taken of this matter in Parliament in 1856 was that on the 4th of April, in answer to a question by the hon. Member for Invernesshire, the Minister of Public Works made a statement to the effect that it was the intention of the Government to rebuild the public offices on a large scale, and that they meant to bring the matter before a Committee. So obscure were the circumstances connected with the appointment of this Committee, that he actually found no record of it in *Hansard*. However, it was named, and sat seven times, first on the 30th of May, and lastly on the 18th of July, and in the course of these seven times examined two witnesses, occupying two days in their examination, besides putting four questions on a third day, and two more on a fourth to one of those witnesses. On the evidence of these two witnesses the Government seemed to have founded all they have done. The first witness was Mr. Hunt, the official surveyor of public works. The other witness was Sir C. Trevelyan, a man of great official experience, but still in architectural matters but an amateur. The Government seemed to have acted very much on the advice given by Mr. Hunt, while the plan recommended by Sir C. Trevelyan was in many material respects widely different from that which they had followed, and in certain points resembling that which he (Mr. Hope) advocated. Sir Charles Trevelyan in his examination recommended the appointment of a committee of persons, carefully selected on account of their experience and ability, to act as advisers to the Chief Commissioner of Works and the Government, first of all as to the relative positions of the different offices, which he looked upon as a matter of great consequence. The Commission for which he was moving precisely answered to the recommendation. Sir C. Trevelyan also recommended that before anything was done in the matter of rebuilding the public offices some comprehensive plan should be agreed on, combining administrative efficiency, perfect accommodation, and architectural beauty, and that the buildings should be raised gradually, one after another, as necessity called for them. The Report of this Committee was presented on the 20th of July—too late for any discussion to take place in regard to it before the end of the Session, and the evidence was not printed till the recess. And yet it was upon this slender foundation that the Government had committed itself to the undertaking. During that recess came forth the extraordinary scheme of the Board of Works, in which three entirely different and discordant classes of prizes were offered for a block plan for a War Office and for a Foreign Office. A great number of drawings was sent into Westminster Hall, and then, and not until then, were a board of examiners appointed. These judges discharged their duty ably and conscientiously, but being bound by their instructions they were obliged to give prizes to three plans, totally different from each other, and incapable of being fused together. A French gentleman got the first prize for the block plan, including both Foreign and War Offices; an Englishman got the prize for the Foreign Office, which was incapable of being worked into the block plan; and another Englishman got the prize for a War Office, which was equally at variance with the block plan and with the Foreign Office. How then was this embarrassment to be solved! He understood that the block plan was to be thrown aside and that the discordant War and Foreign Offices were to be run up cheek by jowl. An excuse had been made that to carry out the block plan of M. Crepinet would involve an extraordinary amount of expenditure. He could not deny that if this plan were carried out in its integrity it would cost a sum which would stagger the Legislature, but, besides the scheme for the re-adjustment of the Public Offices, this plan contained "A scheme for the re-arrangement of the approaches considered particularly with a reference to the rebuilding of Westminster Bridge," which was not an essential part of the block plan, but which the competitors had been invited, in the instructions to competitors, to contribute over and above the main design. It was not certain, however, that the scheme of the Government would be much less costly. It certainly would be much cheaper, in the long run, to lay down some great scheme which might be carried out gradually, as the national resources would allow, than to run up two independent and distinct offices, which would be finished in 1860, and which before 1861 had gone round we should devoutly pray that some earthquake would destroy. When first this scheme was started the cry was for a centralisation of the public offices, meaning thereby, as he understood it, the bringing of them together under one roof, as the two Houses of Parliament were brought together, so that there might be ready communication between them, and time and labour — and thereby money — might be saved. But now the proposition was to build entirely separate buildings for the War and Foreign Offices, each of which must have four distinct façades, besides the disadvantage of windows ending in nothing, which in a united building would open into each other. He had heard something, too, in a mysterious way, first from the Chancellor of the Exchequer, and then from the First Lord of the Treasury, about a third building, which was to be raised for the Colonial Office, which had not been named before, nor brought into competition. If this were to be built we should have three independent buildings, with twelve distinct façades. With regard to the expense, the judges observed in their Report that they had no knowledge of the sum which the Government proposed to expend upon these works, and that the designs were unaccompanied by estimates, and did not admit of accurate calculation as to cost. Therefore this competition had been entered into—architects had been invited to send in designs—the judges were called upon to adjudicate, and yet the first essential of a practical undertaking, the imposition of a limit as to how much it was to cost, and requiring architects to conform thereto, had been entirely overlooked. They had heard from the Chancellor of the Exchequer that all that was to be done now was to rebuild the War and Foreign Offices and to erect a new Colonial Office. If that were so, the work might, according to his own (Mr. Beresford Hope's) suggestions, be done upon plans much more economic than those which had received the sanction of the Government. According to the estimate which would come under their notice that evening, the site of these offices would cost £170,000. According to the plan which he had recommended, the War and Foreign Offices might be built upon the Parade in St. James's Park—a plot of ground which already belonged to the Crown—and therefore would cost nothing, while their erection upon this area, so far from requiring the demolition of the existing Colonial Office, would not only permit its continuance, but also allow the present Foreign Office to be thrown into it in order to provide any additional temporary accommodation which might be required. This he should propose only as part of the greater scheme of concentrating the new offices between the Treasury, and the Admiralty, and the Horse Guards, making one harmonious pile of buildings, and leaving the space upon which the Government proposed to erect these buildings for that continuation of St. James's Park to the river which it was absolutely necessary should be carried out, if not in our generation, at least in some future one, in order that the architectural beauty and sanitary arrangement of London might be placed upon a proper footing. To this scheme it might be objected, that the Parade being the private property of the Crown could not be dealt with as though it were under the administration of the Woods and Forests Department, and that the public would brook no interference with any of its open spaces. But surely an arrangement could be made with the Crown to exchange the Parade for the future river-side park, and the public would be amply compensated by the addition which this extension would make to their means of enjoyment, and to the beauty and health of the metropolis. There were some persons who objected to the rebuilding of the public offices as needless and extravagant, and their votes he invited on the ground that, unless that House made a protest, it would, in the eyes of the country and in those of the competitors, of the judges, and of all who had not examined into the technicalities of the plan, stand committed to the rebuilding of the War and Foreign Offices on this superb plan. Whether the Government was right or wrong, the matter had not been fairly brought before that House or before the nation. Whether they adopted the decision of the judges or not as to the plans which should be ultimately carried out, further inquiry on the part of the House of Commons ought to take place. He thought circumstances had recently occurred that should make the country more chary of its resources than it had been a few months ago. And if on that ground it should be deemed advisable to postpone these works, what could be more reasonable than that they should occupy the intervening time in ascertaining how these could be carried out so as, with a due regard to economy, to conduce to the practical utility, and the artistic and sanitary improvement of the metropolis. It was the duty of that House thoroughly to investigate the subject, to explore its heights and sound its depths, and to see how far the features of architectural grandeur and magnificence, by which the plans were characterised in their crude form, could be combined with those more mature arrangements which would save money and increase effect. He therefore moved that an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Royal Commission to consider the site and plans of the proposed new public offices, and particularly the Foreign and War Offices, and to report on the same.

MR. PINNEY seconded the Motion.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Royal Commission to consider the Site and Plans of the proposed New Public Offices, and particularly the Foreign and War Offices, and to report on the same," instead thereof.

THE CHANCELLOR OF THE EXCHEQUER; — The hon. Gentleman who has made this Motion calls upon the House to rise to a height worthy of the emergency, and with a view of meeting the requirements of the occasion he moves the appointment of a Royal Commission. Now, the effect of this Resolution, if carried, would be to take this question out of the hands of the Executive Government and virtually to place it in those of the Commissioners, whose duty it would be to decide with respect to the cite and plans of the new public offices. Unless her Majesty's Government have shown themselves unworthy of the confidence of the House with respect to this matter I trust that this Motion for an Address to Her Majesty will not be assented to. In determining the sites and proposing plans for these public offices the Government would have two things to consider. First, we have to consider the inefficiency of the present offices, and more particularly that of the Foreign Office; and then we have to consider what would be a convenient site on which to erect a new building, and what is the plan best adapted for supplying all the wants of a public office. Now, in determining this question, and deciding what shall be our ultimate proposal to Parliament, we have to consider not only what appears to be the most convenient site for a new Foreign Office, but also what reasonable amount of architectural decoration we think ourselves justified in proposing, as well as what amount of public money we shall think ourselves justified in calling upon Parliament, to apply to the purpose. If, on the other hand, this House take the course of advising Her Majesty to appoint a Commission, that Commission, if appointed, would proceed by a different course. A Commission would not unnaturally consider what would be the best mode of carrying out our object, and in all probability the most expensive mode would in their view be the best. They would take the best site which the Metropolis afforded, and then, having adopted the largest plan for the erection of the Foreign Office, they would then consider how it could be made most conducive to the decorum and embellishment of the town. It would form no part of their duty to consider what expense would be reasonable for the purpose, and that question they would naturally leave to the executive Government. They would say that in selecting out of the plans submitted to us the most useful and ornamental we are discharging the duty for which we were appointed, but we have nothing to do with the question of expense. But what, on the other hand, would be the course which it would be necessary for the Government to adopt? The Government would have to consider not only which was the most magnificent and ornamental plan, but also whether it would accomplish the object of a public office, and whether it fell within a reasonable limit of expenditure; for we should certainly not be justified in engaging this House in any useless or unnecessary expense not justified by the object which we wish to accomplish—and our scheme is a far less magnificent one than that which the hon. Gentleman has sketched out. I think, therefore, that the House, by agreeing to the proposal of the hon. Gentleman, would only be encouraging delay by laying before the Government a second set of plans framed upon so extravagant a scale and involving so much ornament and decoration that the Government would be unable to adopt any of them, having a due regard to economy. I trust, therefore, that the House will not think it worth their while to depart from the course that is ordinarily adopted in such matters, but that they will leave this matter in the hands of the Executive Government, who, before they submit any plan to this House, will have to consider the subject in all its bearings, and not entrust it to a Commission, which will not in any way be called upon to consider the question of expense. What the Government proposes to do is this. We propose in the present Session to ask for such a Vote as may enable us to acquire a sufficient space for the erection, in the first place, of a new Foreign Office, and, in the second place, of one or two other public offices, in order that we may erect upon it buildings suitable for the purpose. The want of the present moment is a new Foreign Office, and to supply that want is the extent of our ambition. I am afraid that we shall incur the censure of the hon. Gentleman, in not considering that we ought to seize the occasion offered by the want of new public offices to embellish the metropolis with a series of magnificent palaces, for the accommodation of the public departments. Our object, then, lying within a very narrow compass, I trust that the House will allow us to follow out the plan which we desire, and will not sanction a course which would either lead to indefinite postponement or else to incurring an expenditure altogether unnecessary for the object which we have in view.

Lord JOHN RUSSELL: Although I certainly do not agree with the proposal which has been made by the hon. Gentleman, yet I must say that I think he has been led into it by the somewhat strange course the Government have adopted with reference to this subject. It appears from the statement of my right hon. Friend the Chancellor of the Exchequer—and the statement was a very reasonable one—that the object of the Government is first to obtain a site, and then to erect a commodious building for a Foreign Office—handsome also if possible—and afterwards to erect any other offices which might be wanted. But, although my right hon. Friend makes that statement, the Government have done the very thing to which the hon. Gentleman has alluded. They have proposed a system of competition for plans of buildings of a very handsome character, and the architects who responded to that invitation, very naturally gave play to their fancy, and a series of beautiful plans and sketches of buildings, embellished with every costly architectural decoration, had been sent in, of no other use, in my eyes, than to gratify the sight of the public, and to show the comparative ingenuity and ability of the French and English architects. Now, that does not appear to me a practical mode of dealing with the subject. If you wish to spend a certain reasonable sum of money upon the erection of new public offices, it appears to me that the best plan to adopt would be to fix upon a site, and then say, "We want plans suitable to the site and to the purpose for which the buildings will be required," at the same time stating the expense which you are prepared to incur. If you had done that, you would have obtained some practical plans instead of these magnificent schemes for the public offices. One suggestion which has been made by the hon. Gentleman I think is well worthy of consideration. I have been told that the noble Lord at the head of the War Department thinks that no new Office for that department is necessary; but, if it is contemplated to build a new War Office and a new Colonial Office, I think that it would be very convenient to unite the two, thus having only four façades instead of eight. What I hope, however, is that the Government will throw aside the whole of these plans and consider what accommodation it is they want, and what sum of money they are prepared to propose to Parliament, and then let them obtain plans suited to the expenditure they propose. The plans which they have at present are, without doubt, exceedingly handsome; but, to speak plainly, they seem to me infinitely more adapted for palaces than public offices. I recollect what happened with regard to building a new palace for Her Majesty. Buckingham Palace was built upon the proposal of Lord Ripon, who was at the time Chancellor of the Exchequer. He then stated that the Government did not propose to build a new palace, but only a large house, sufficiently commodious for the Queen Dowager or the Prince of Wales. Well, Sir, a very strange building was constructed, with two wings coming out in a most ungraceful manner, and afterwards the space between the extremities was filled up by a fourth side, and then £100,000 spent in the construction of a large ball-room, which is very inconvenient, and ill suited with the rest of the structure. The result is, that you have a large disjointed building instead of a handsome and commodious one, although you have expended nearly a million of money upon it. I hope, therefore, that in future the Government will, in erecting new buildings, consider exactly what is required for the purpose to which the building is to be applied. With regard to the matter of the Palace, I recollect the late Mr. Hume saying in this House that he believed that it was proposed to build a new palace in the Park. I had at that time the honour of being the First Lord of the Treasury, and I asked the late Sir R. Peel whether he had ever thought of proposing a new palace? His answer was that he had thought about it, but he had seen so large an increase in the Miscellaneous Estimates of late years, amounting to nearly £4,000,000, that he had given up all idea of proposing such a palace. I informed Her Majesty of that opinion, and stated that I concurred in it, and Her Majesty, with her usual thoughtfulness and forbearance, immediately desired that no additional expense should be cast upon her subjects. We have now schemes proposed for the erection of buildings far more like palaces than public offices, and I trust that the Government, recollecting the still large increase which has taken place of late years in the expenditure, will readily yield to the more reasonable views of the Chancellor of the Exchequer, and propose only to erect buildings suitable for the purposes for which they are intended.

SIR DENHAM NORREYS said, that it appeared to him that the simplest plan for the Government to have adopted would have been to fix upon a ground plan, and then to take plans for the erection of buildings upon the site so chosen, at a named expenditure. What he would suggest was, that the House should have some general plan before them, that they should adhere to that plan, and that all the separate buildings to be from time to time erected should have reference to it. It did not appear from the statement of the right hon. Gentleman the Chancellor of the Exchequer whether the new offices were to be built with relation to keeping Westminster Bridge in its present position. He thought the question ought to be viewed as a whole; and therefore, he should be glad to know whether it formed any part of the Government plan for the improvement of Westminster.

SIR BENJAMIN HALL said, he thought it was only just to the Government and himself that he should be permitted to state the course taken last year before the Committee of that House, which sat on the subject, and the course taken by himself since. For many years past, as his noble Friend (Lord J. Russell) must be well aware, great complaint had been made of the insufficiency of accommodation in some of the public offices, and especially in the Foreign Office, the War Office, and the Colonial Office. He (Sir B. Hall) would undertake to say there were no public offices in the world which were so inconvenient or in so ruinous a state as our own. The state of the Colonial Office was such that it would have to be wholly rebuilt, and a large sum of money laid out for that purpose. The Foreign Office was inconvenient and insecure, and as regarded the War Office, it was desirable, instead of having several branches of that department located at different places at the West-end, to have all its various departments concentrated so as to facilitate the despatch of public business. Last year the Committee decided that it would be desirable to concentrate the public offices, and they added that if there was to be any rebuilding of those offices it would be advisable to call in competition the talent of the whole world in order to obtain the best possible design for such an undertaking. He communicated with the Government, and he was informed that it was their desire that steps should be taken to prevent the inconvenience which resulted from the various branches of the War Department being scattered over different parts of the town, and also that a new Foreign Office should be erected. In consequence of the suggestion of the Committee he called on surveyors, with the sanction of the Government, to send in plans for laying out the ground intended to be devoted to the rebuilding of the public offices; and surely it was desirable that the House should have a general outline of a plan, in order that if anything was to be done it should be done in conformity with such a plan. With regard to the buildings, his noble Friend (Lord J. Russell) complained that designs had been sent in on too large a scale. Before he (Sir B. Hall) sent out the requisite specifications he put himself in communication with his noble Friend at the head of the Foreign Office and with his noble Friend at the head of the War Office, and he requested that they would inform him in detail of the amount of accommodation that would be required for transacting the business of those departments. They did so; elaborate specifications were drawn up for that purpose, and the result was that all the different designs sent in had been strictly made with the view that the buildings, which were to be the subject of those designs, should occupy no more space than was required for the transaction of the public business, and as indicated by the authorities at the Foreign and War Offices. Then, with regard to the architectural elevation, surely it was desirable, if they were to rebuild the public offices, that they should have some design for an elevation which should really be worthy the country, seeing that the constant complaint was that the public buildings in the Metropolis were such wretched abortions. He had had those designs exhibited, and he believed they had met with considerable favour, but it was for the House of Commons to say whether they would carry them out. If the House thought them too grand or expensive they would not be proceeded with. Although the buildings represented in those designs might look large, the size of the buildings had only been determined by the requisitions sent in by the different departments. What the Government proposed to do at present was simply this, to have some ground set apart in the neighbourhood of Downing Street on which two or three public offices might hereafter be erected; but no steps would be taken in regard to the expenditure until the House of Commons had sanctioned the proposal. He proposed during the recess, to look at the designs which had been approved by the judges, and endeavour to ascertain the expense of carrying them out; but nothing further would be done until the House was informed on that point. He therefore submitted that nothing had been done in this matter, either by the Government or himself, which justified the censure implied in the speech of his noble Friend.

Mr. HENLEY said, he felt that they were in somewhat of a difficulty already, but he thought they would only be getting into a greater difficulty if they adopted the Motion of the hon. Member for Maidstone, for he entirely agreed with the Chancellor of the Exchequer that by so doing they would be led into an indefinite field of expense and responsibility. When the subject of the public offices was first mooted in that House, the House said they would do nothing until they had a plan before them, and that led to the appointment of a Committee on the subject. That Committee, to which the right hon. Baronet had referred, came to a very magnificent resolution in relation to the public offices; and he (Mr. Henley) did not think the Government could do otherwise than take some steps to act on that Resolution, so far as the procuring of designs went; but he thought the skilled gentlemen who had been invited to send in those magnificent plans, embracing such a vast area of ground, might say, and would say, that they had been very hardly treated in being put to the expense of drawing those plans when the Government had no intention at all of carrying any of them out. He did not think that it was an honest course towards those gentlemen to call for competitive plans under such circumstances. The House had been told that the Foreign and Colonial Offices were likely to tumble down. Why, with respect to the Colonial Office, they had been told that for the last twenty years. There was, however, no doubt as to its being in a bad state of repair. It was also stated that it was desirable to concentrate the War Departments; but he did not think the House was likely at present to take a very satisfactory course to carry out this object. They were now asked to buy the ground; but no definite plan had been adopted as to the buildings to be put upon it, and at present they knew not whether the ground they were asked to buy would be too much or too little for the purpose. He thought before they voted the money for the ground, they ought to know what it was that was to be put upon it. That was the first thing to be decided. The Government ought to make up their minds as to what sort of a Foreign Office, Colonial Office, or War Office they wanted, and when their minds were made up as to the requisite area it would be time enough to come to Parliament and ask for the money for the site, because, until they had made up their minds, how could Parliament know whether the piece of ground would at all suit these magnificent buildings which were to be an ornament to the town? Perhaps some low buildings would intervene between these fine elevations and George Street. People of taste would cry out, "What an abomination!" and call upon the Government to sweep away the miserable buildings which spoiled the effect, and thus Parliament would be dragged gradually into carrying out magnificent schemes which Government did not avow their intention to carry out. The only safe course was this:—Let the Government state—"This is the accommodation we want; this is the plan intended to provide it, and this is the area of the ground upon which we want to put it." The House would have the whole question before it, and could give a fair answer to it. But it was not a fair proposition to ask the House to sanction the purchase of a three-cornered piece of ground, which would not suit a square building, or of a square piece of ground for a circular building which would not fit it. The more reasonable course was for the right hon. Baronet to satisfy himself that the requirements made for these public offices were necessary, to determine, with the Members of the Government, whose business it was to advise, what was the proper scheme, and when that was done to lay the scheme upon the table, and ask for the money to carry it out. He did not quite gather from the right hon. Baronet whether he thought the requirements reasonable and proper. He did not pretend to give any opinion himself, because he had not given to the plans any very minute examination, but he thought some of the plans comprised accommodation upon a very much more enlarged scale than ordinary men would conceive to be necessary. If the hon. Member's proposition were adopted, the House would only be dragged into another question.

MR. BRISCOE said, that, having given great attention to this subject, he would beg to be allowed to say a few words. He thought it right to remind the House that they would shortly be asked, in Committee of Supply, to vote a sum of £38,000 for the purpose of purchasing a site, when the question could be more properly discussed. At the same time he felt bound to express his satisfaction at the remarks of the Chancellor of the Exchequer, of the noble Lord the Member for the City of London, and of the right hon. Gentleman the Member for Oxfordshire. He had no wish to join in any censure upon the right hon. Baronet at the head of the Board of Works in reference to the plans which had been submitted to the examination of the public in Westminster Hall; but he could not help thinking that some of the architects had not adhered to the specifications. In the plan for the Foreign Office, which had received the first prize, he noticed the first floor was proposed to be partially appropriated to reception rooms, 245 feet by fifty, to a grand promenade, twenty feet wide, and to a central hall, fifty feet high, for music and supper parties. He agreed with the noble Lord that the public offices should be appropriated to the transaction of public business. The perspective elevation, which was very attractive, was nothing more nor less than a copy of the Hotel de Ville at Paris, and it seemed as if the architect had also contemplated the balls which were given in that edifice. Balls and receptions would involve great expense, and it might happen that a person who was Foreign Minister might not possess large property; and then there would be a further demand upon the public purse for that purpose. Another competitor suggested that the bed of the river should be turned into a flower garden, and the Thames diverted into two canals on each side of it. Architects who indulged in such poetical designs could not complain of their plans being rejected. From the best information he could obtain he understood that the Foreign Office only was required, and that ground could be easily purchased for the enlargement of the present War Office in Pall Mall. It was most important that each department of the Government should be perfect and complete in itself, but that would not render necessary the removal of the War Office. He should reserve his remarks on the proposed Vote of £380,000 for the site, until it was before them; but he strongly objected to it, and in opposing it he believed he should be performing an office grateful to the Chancellor of the Exchequer.

Mr. TITE said, he agreed that the proper time to discuss this question was on the Estimate, which was coming on. They would have a Vote for £380,000 for a site for new public offices, a large part of which was for pulling down a portion of Parliament Street northward as far as Charles Street. Notwithstanding that, he thought that a competition for a block plan was a right course, and that the country would not have been satisfied with any other. In his opinion, the block plans sent in for competition were a failure; and, if the Government adopted either one of those which had gained a prize, the cost would be from £5,000,000 to £10,000,000, and he believed no prudent country would embark in such a scheme. One of the prize plans was, to a certain extent, a copy of the Hotel de Ville, in the *renaissance* style, and the other in a very ornate style of half French, half Italian architecture; and to build on either of these plans would create a great incongruity with Sir Charles Barry's building: what no man of taste would for a moment sanction. There was no doubt they were embarking in a large outlay, and he was glad to hear from the right hon. Gentleman that they were not to act without consideration. He would urge on the House that they ought not to embark in it without a distinct and well-considered plan. The Government had had the benefit of the suggestions of many architects;—there was the plan of Sir J. Soane, that of Mr. Pennethorne, and also the plans in the present competitive exhibition. If the Government would take all these materials they might form a general plan. For £100,000 the ground between Downing Street and the Park might be obtained, which would give an area which it would require a sum of £400,000 to cover. If to this was added the £380,000 which was now asked in the Vote about to come on, it would be found that you were embarking in an undertaking which would cost a million. The Government might make use of the suggestions which were at their disposal, and come to the House next Session with a well-considered plan; and they would be then in a position to enter upon their schemes like men of sense and business. It was determined, and very properly, that Westminster Bridge was to go on; and it was said that certain offices must be constructed, at a cost of a million; or, at any rate, that the Foreign Office must be rebuilt. It was said that the expenditure on the Houses of Parliament was caused on account of their having been begun without any fixed plan; and although that was not so in reality, yet as they had, with an estimate of £850,000, come up to an expenditure of a million and a half, there must have been error somewhere; and therefore he hoped the Government, in their future proceedings, would take warning by what had then occurred. With regard to the Motion of the hon. Member for Maidstone, he could not agree to it; and he must say, that the proposition of that hon. Gentleman, to cover the space behind the Horse Guards with buildings, would hardly be agreed to by the country, when there was space enough for public buildings to be obtained at a moderate expenditure, without interfering with what was one of the features of the town. Therefore, although he did not altogether approve of the course which the Government had taken, he could not support the Motion before the House; and the more especially as it would necessitate further delay, and introduce a new element of debate into this much-vexed question.

LORD CLAUD HAMILTON said, as a member of the Committee which sat on this subject last year, he wished to make a few remarks. The Committee did not enter into the architectural question, but mainly confined the evidence before them to the question of the propriety of acquiring a site and sufficient land to carry out what might be desirable with reference to public offices. The right hon. Gentleman the Member for Oxfordshire said, that, when a Foreign Office was wanted, it should be built; and when a War Office or Colonial Office was wanted, it should be built; but he was afraid that, if the right hon. Gentleman had heard the evidence before the Committee, he would hardly have recommended that course. The ground which the Committee recommended the Government to buy was covered with mean buildings; and if that was bought, and the Foreign Office built in the first instance, a great addition would be found to have been made to the value of the neighbouring property when you came to buy it hereafter. The Committee distinctly recommended that the architectural details should be left to public competition. He would admit that the patriotic zeal of the competitors had induced them to indulge in too costly and palatial a style, but that objection ought to have been taken when the specifications were published, and it was hardly fair now to lay the blame entirely at the door of the architects.

MR. BENTINCK said, without troubling the House with the expression of an opinion upon the merits of any of the schemes under discussion, he wished but to make one remark. It appeared to him objectionable that such a scheme should be brought under discussion at this particular time. Now, what was the situation of the country? The fact was patent to every one. The state of our affairs in India, in consequence of our false economy in the way of troops and ships, was one of a very serious character. With those facts staring us in the face, it was monstrous and absurd to propose to sink a large outlay of money in the purchase of ground in this neighbourhood, and in the erection of new Government buildings. He was of opinion that such a proposition was one which should not be for one moment entertained. Let the state of the Foreign Office be what it might, it might, no doubt, by the judicious expenditure of a very moderate sum, be touched up and made available for all useful purposes. It had gone on for a very long time, and would probably go on for many years longer. He was decidedly opposed to any irrational outlay of money on public buildings, when a portion of our territory was in danger. He hoped that the House would not sanction one shilling outlay for this purpose. He for one would give any such proposition his most determined opposition.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:* Ayes 138; Noes 8: Majority 130.

CASE OF LIEUTENANT COLONELS APPOINTED BEFORE 1854.

QUESTIONS.

COLONEL NORTH said, he rose to make a few remarks upon the answer which had been given by the Under Secretary for War to the question of the hon. and gallant Member for Huntingdon (General Peel). The hon. Gentleman the Under Secretary had said that the question of the lieutenant colonels had been brought under the consideration of the Government. That was quite true, for he (Colonel North) had called the attention of the Government to the subject a year and a half ago without leading to any result. Subsequently the question was revived by Colonel Lindsay, but the Government did not manifest any great interest in the matter, for they allowed the House to be counted out. The subject, however, was one of very great importance to a number of officers who had rendered valuable services to their country. Until the warrant of the 6th of October, 1854, no field officer could be passed over by another unless the latter had been made an aide de-camp to the Queen; but the warrant entirely changed that state of things, and officers who had commanded their regiments for three years were allowed, irrespective of their periods of general service, to attain at once the rank of full colonels. What the lieutenant colonels who were affected by that arrangement complained of was, that the warrant of 1854 was, as regarded them, retrospective, and the consequence was, that those officers who had served with credit in all parts of the world, and many of whom had been promoted for gallantry in the field, found themselves passed over by boys, both in service and in age. No less than 140 officers had been so passed over. The thing could have been easily remedied at the time by bringing forward those officers in a brevet, making a larger number of full colonels, and a smaller number of lieutenant colonels. He had proposed that course as one of common justice, and with a view to prevent the galling feeling which those officers had experienced in seeing their juniors passing over their heads. His complaint against the Government was that they had not taken into consideration the recommendations of the Royal Commission which sat on the warrant, to adopt some measure to obviate the injustice which the adoption of that warrant would cause. The members of that Commission had recommended a liberal view of the claims of the existing lieutenant colonels, and the Government had stated that they were taking the matter into consideration, but the way in which their consideration seemed likely to act, he would instance by mentioning the case of the present senior officer of those whose case was now under consideration, Lieutenant Colonel Dann. Up to the 30th of June last sixty-four junior officers had passed over his head, while at present the number amounted to eighty-six. Was it not heart-rending to gallant men like them to see themselves passed over by officers who, compared to themselves, were mere boys, both in service and in the number of years they had been field officers? Many of the officers thus passed over had received their promotion for gallantry in the field and suffering from wounds, and having full reliance on the warrant then in force, by which no officer but a Queen's aide-de-camp could pass over their heads, they had retired from their regiments. Owing to the unfair course of the new warrant being made retrospective, their expectations had been deceived. In the natural course of things, those officers could only receive their promotion by surviving the whole of 164 generals on the Army List; but how many of them were likely to survive that number of generals? An officer now entering the army knew what he had to expect, but he did think it would be only justice to those who had been so injuriously affected by the warrant of 1854, to give them their promotion by brevet. He trusted, therefore, that the matter would be laid before the proper authorities with a view of so grievous an injustice being obviated. He should be glad to know how it was that while the officers and men of the French army were wearing the Turkish medal in 1855, not a single English soldier had yet received it, although at this moment nearly all the regiments which were entitled to it were on their way to India? He did not know whether it was the fault of the Foreign Office or of the War Office; but he did know that it was perfectly disgraceful that the officers and men of our army should be treated in that manner. There was another point to which he would advert before sitting down, that was the injustice of promoting officers commanding regiments to be general officers over the heads of men holding staff appointments, of so much responsibility as those, for instance, of Deputy Adjutant General and Deputy Quartermaster General in Ireland. It was not fair that men holding such responsible offices as those should labour for years without any recognition of their services. He trusted, therefore, that that matter also would receive proper attention from Her Majesty's Government.

Lord HOTHAM observed, that he had heard with satisfaction the intention expressed on the part of the Government by the hon. Baronet opposite to take into consideration the subject introduced by his hon. and gallant Friend, but he regretted that the hon. Baronet had not been authorized to make a more decided statement and go a little further than he had done. He (Lord Hotham) concurred entirely in what had fallen from the hon. and gallant Member for Huntingdon, the hon. and gallant Member for Greenwich (General Codrington), and the hon. and gallant Officer who last addressed the House, and he would only observe that, whether they were dealing with the claims of civil or military officers, they ought to adhere to one rule and strictly to maintain good faith. It was quite clear that good faith had not been kept with the officers whose case had been referred to, and he hoped the Government would not only see the necessity of taking some steps to remedy the grievance of which they complained, but of doing so without loss of time, as delay would only increase the difficulty of dealing with the subject.

Mr. STAFFORD said, the Under Secretary for War (Sir J. Ramsden) had answered the question put to him to-night with great ingenuousness, but the hon. Baronet's reply conveyed an entirely different impression from the answer he gave a few nights ago to the hon. Member for Evesham (Sir H. Willoughby.) He (Mr. Stafford) found, however, that the previous answer of the hon. Baronet was completely contradicted by a statement which appeared in *The Times* of that morning, and which had been openly and frankly quoted by the hon. and learned Member for Sheffield (Mr. Roebuck), and as frankly admitted by the hon. Baronet. The statement to which he (Mr. Stafford) referred was in these terms:—

> "It is no exaggeration to say that the officers of the corps which have lately started have been oppressed with dread as to the effects of the climate on their men while muffled in their present equipment. If any regiments should have been provided for, surely it was those which sailed yesterday—the 97th, 20th, and part of the 42nd Highlanders. Yet we know that these men had not a single cap cover, and that they will land in India in the same uniforms in which they quitted Aldershot and Shorncliffe, without as much as a cloth to cover the hideous black shako, which is truly nicknamed in those regiments the 'Sepoy's Friend.'" [*The Times*, Aug. 10.]

Now, from the answer given by the Under Secretary for War a few nights ago he (Mr. Stafford) concluded—and he thought all who heard that answer must have concluded—that protective clothing against the burning sun of India would accompany the soldiers in the vessels in which they sailed from this country. That turned out not to be the case, and the hon. Baronet now informed the House that orders had been sent overland that the requisite clothing should be provided for the troops on their arrival in India. He (Mr. Stafford) hoped that would be the case; but he complained, not of the hon. Baronet, who he was sure had no intention to deceive the House, but of those whose duty it was to afford him information, and who —the hon. Baronet being too new in office to doubt their veracity—had misinformed him. Had it not been for the statement in the newspaper from which he had quoted, for the comments upon that statement, and for the recognition of its accuracy which, he must say, had been wrung from the War Office, the troops would have embarked for India under a misconception as to the provision which had been made for their clothing. He (Mr. Stafford) feared from this statement an ill-omened and unhappy repetition of the course of events with which unfortunately they were all too familiar. Similar statements had been made by the same journal; they were denied by the authorities, they proved true at a subsequent period, they proved true beyond the power of question, cavil, or denial, but they proved true too late. He (Mr. Stafford) sincerely hoped the present occurrence was not the precurser of the renewal of a state of things which, with all respect for the hon. Baronet, he must designate as mendacious and disastrous. He would impress upon the hon. Baronet the necessity of informing himself of the real state of affairs with regard to the troops, and would remind him that, with the experience of the past, still more disgrace and dishonour would attach to the Government if, after all that had happened, they either deluded, or lent themselves to delude, that House and the country with reference to the condition of our soldiers. After the horrible and heart-rending calamities which had resulted from neglect at home, the responsibility and guilt would be far greater than they were at the outbreak of the Crimean war. He had merely risen to give this warning to the hon. Baronet, who was as yet too young in office to be responsible for anything more than the statements he made in that House, but who, as the organ of the War Office, occupied a most responsible position, and who ought to make those acquainted with the various departments of the service answerable to him for the truth of the statements which, on their authority, he brought before the House.

Main Question put, and *agreed to.*

SUPPLY.—MISCELLANEOUS ESTIMATES.

House in Committee, Mr. FITZROY in the Chair.

(1.) £2,000, Gallery of Historical Portraits.

MR. SPOONER said, the hon. Member for Brighton (Mr. Coningham) had objected to this Vote on a previous occasion, and he (Mr. Spooner) was now prepared to support him in dividing against it, because they had no right to tax the public for such an object as that which it contemplated. It might be said this was a small sum; but it was but the beginning of a more extensive scheme. It could not be said that the object of this gallery was the promotion of art; for art was not likely to be greatly assisted by hanging up old pictures of statesmen and naval and military commanders. The Chancellor of the Exchequer gave up that view of the case the other day, and told them the gallery would be extremely valuable as an historical collection. He (Mr. Spooner) however, contended that they had no right to spend the public money to found a gallery which could only be visited and seen by a very small portion of the people of the country. We had spent on the British Museum, National Gallery, and similar institutions, in the year ending January, 1857, no less than £270,000, and under the head of art £48,000 only last year. On the Kensington estate we had spent £277,000. So that there was an expense of more than half a million of money on objects in which the public at large had little or no interest. If they agreed to this Vote an expenditure, already objectionable, would go on increasing from year to year. And for what? To get an exhibition, he had no doubt interesting in itself, but for which the poor man from one end of the kingdom to the other would be taxed without the possibility of deriving any advantage from it. He hoped, therefore, that the Committee would not only decline to sanction this Vote, but would arrest the growing expenditure on subjects of a similar character. For these reasons, if the hon. Member for Brighton declined to take the sense of the Committee on the present occasion, he should do so.

Mr. INGRAM said, he thought they could not spend the trifling sum now proposed in a better way than in the erection of a gallery for portraits. Notwithstanding what had fallen from the hon. Member (Mr. Spooner), the working classes took a great interest in the erection of galleries like these. Perhaps the portrait of the hon. Member himself might find a place in the proposed collection, and add not inconsiderably to the interest that would be felt in it.

Mr. GILPIN said, he could not agree with the hon. Member (Mr. Spooner) on this question. He should support the proposal before them, but he must object to the establishment of a new set of officials when the present National Gallery and the officials there ought to be sufficient.

The CHANCELLOR of the EXCHEQUER said, he always found it rather difficult to satisfy his hon. Friend opposite (Mr. Spooner) with regard to Votes of this class. If he proposed a vote for the cultivation of art and the improvement of the public taste his hon. Friend said that was not a legitimate ground on which to tax the people of this country, who, he said, were indifferent to works of art. Then if he proposed a Vote like the present, not for the purpose of cultivating art, but to form a gallery of portraits of persons eminent in the history of the country, and whose characters and reputation were dear to the people, his hon. Friend turned round and said the Vote was objectionable, because it was not for the promotion of art, but for an object from which the people at large would derive no benefit. It was rather difficult, therefore, to know on what grounds he might hope to be fortunate enough to obtain the support of his hon. Friend; and unless he were tempted by the prospect, held out by the hon. Member for Boston, of his portrait being placed in this gallery, he should almost despair of receiving his support. This Vote originated in a Resolution of the House of Lords last Session to address the Crown in favour of the establishment of a gallery of portraits, with the intention of illustrating English History, something similar in its nature to those statues which might be seen in the corridor of that House. In consequence of that Address the Government proposed last year a Vote of £2,000. The House, after discussion, and on a division, agreed to that Vote; trustees were appointed, and the foundation of the gallery had been commenced. Some donations had been made, and among them was one from the late lamented Earl of Ellesmere of the portrait of Shakspeare of which he was the possessor. In these circumstances he hoped the House would not reverse the decision of last year and refuse to add to the grant of last year the moderate sum now proposed. With reference to what had fallen from the hon. Member (Mr. Gilpin) it was not proposed to apply any portion of the sum to the payment of officers beyond £100 given to the secretary to the trustees, and it was not contemplated to have any staff of officers for the gallery. At present the very limited space assigned to the National Gallery prevented this new collection being placed there; but when it was the pleasure of the House to carry out a plan for the enlargement of the National Gallery it would then be in the power of the Government to set aside one or two rooms in connection with that gallery for the reception of portraits. They would be under the care of the officers of the National Gallery. No attempt would be made to create any new establishment of officials, and the money voted by Parliament would be employed in the purchase of pictures for the gallery.

Mr. W. WILLIAMS said, that £2,000 had been voted last year for the same purposes, and he wished to know what had been done with the money, what portraits had been purchased, and the sums paid for them. Some information of that kind ought to be given before any additional sum was granted.

Mr. COX said, the Government were now getting in the thin end of the wedge, and the sooner they were stopped the better. He thought that if the National Gallery was to be made any use of all the pictures worth seeing ought to be placed there. The proposed Gallery of Portraits appeared to him to be nothing but an absurdity, and would lead to the throwing away of the public money. It had been said that the gallery would illustrate history, but he did not understand how the exhibition of the portraits, for instance, of the Chancellor of the Exchequer and of the First Lord of the Treasury, would illustrate history. Perhaps the right hon. Member for Carlisle might be glad to see his portrait in such a collection, and probably the hon. Member for Lambeth would be gratified in viewing his as 'the successor of Mr. Hume'—but they would produce very little impression on the minds of the people.

Sir JOHN TRELAWNY said, that if he were informed that the working classes would be admitted to view the collection of portraits on a Sunday he would vote for the sum proposed, or even a larger sum.

Mr. BRISCOE observed, that when the debate on this subject closed on last Wednesday he had spent half an hour or an hour in inquiries before he could ascertain where the portraits were collected; at last, with great difficulty, he found that the Government had obtained a room in the house of an engineer in Great George Street, but, on asking permission to see pictures already obtained, he was told that it was impossible he could be admitted; that not only the working classes were excluded, but everybody else, unless provided with an order from a noble Lord, Earl Stanhope. He certainly thought it important that Members of Parliament, when called on to vote public money for this Portrait Gallery, should be allowed to see what sort of pictures had been obtained. He understood from the Chancellor of the Exchequer that the gallery was to be a collection of original pictures, but where were original pictures to be obtained? They were the property of private individuals, who formed galleries of their own, and he recollected on one occasion being an unsuccessful competitor for the purchase of a portrait of Blackstone, by Gainsborough, with the late Sir Robert Peel, who bought it for a portrait gallery he was forming at Tamworth. From his experience he should say it was not possible, except now and then, to obtain original portraits. He was at a loss to understand what advantage it was to be voting this sum of £2,000 yearly, and he should be glad to see the Vote withdrawn.

Sir WILLIAM JOLLIFFE said, he did not disapprove of the objects of the Vote; but, from the arrangements which had been made with respect to the gallery, he believed that the public could obtain no advantage from it, for there was, already, an accumulation of national pictures which could not be exhibited for want of room. Was the House to go on, year after year, voting money for a collection of portraits, without the smallest probability existing of that benefit arising which, it was supposed, might result from the contemplation by the public of the portraits of the great men belonging to the country? This proposition appeared to have originated in an idea to imitate the Palace of Versailles, and if there was a building in which the Government could hang up the pictures, then the public might get some advantage from the Vote; but the pictures already obtained could not be seen, even by an hon. Gentleman who took pains to obtain a sight of them. Under the circumstances, he, for one, should vote against the proposed grant.

Mr. LABOUCHERE said, he thought the complaint of the hon. Baronet not quite reasonable. It was almost impossible that, by the expenditure of the sum of £2,000, voted last year, any amount of pictures could have been obtained sufficiently large to be worth exhibiting, for original portraits were very valuable. The question for the Committee to determine was, whether they thought it worth while to lay the foundation of a gallery of national portraits in this country. He confessed he could not imagine any object of more universal or of more permanent interest to the people of this country. He agreed with the Chancellor of the Exchequer that, though the collection might possess merit, as containing works of art, yet the primary and most important object of such a gallery as that proposed was not to be a gallery of art. A collection of national portraits would illustrate history to the eye in a manner which would be interesting to all classes of the people, and must be productive of beneficial results. All the House was now asked to do was, to sanction the principle by voting a small sum for the purpose, and when a sufficient number of portraits had been accumulated, it would then be time to consider in what way they could best be exhibited. When a Gallery of Historical Portraits was formed, and had obtanined a certain degree of excellence, contributions of value and interest would be made by individuals, who would be proud to have the portraits of their relatives and ancestors placed in a national collection of this description. For himself, he must say, that he could not conceive anything more interesting, instructive, or valuable to the country, than a really good and complete collection of historical portraits. Englishmen had a great pride in collecting pictures of this description, and he believed that, in this country, which was particularly rich in historical portraits, there would be no difficulty, in a very short time, in forming the nucleus of a most valuable collection; and he should be sorry if the Committee, by rejecting this Vote, were to lead the world to believe that there was no taste in England for such a collection.

Mr. DRUMMOND said, that, if any association of private gentlemen set themselves to work to collect a gallery of the portraits of British statesmen, the work would soon be done. Having been interested in some such matter a few years ago, he knew that there had been found in the house of one nobleman, who was the inheritor of three great historical families, an enormous collection of portraits, which had lain on their faces in the sleeping-rooms over the stables for thirty years. Nobody knew the names of them, by whom they were painted, or anything about them; and, for all that he knew, there they were still. It was notorious, however, that whatever was undertaken by the Government was done at a greater cost than by anybody else, and what, he asked, was the use of such a dribble as £2,000 a year? At the same time, the Miscellaneous Estimates had been increasing for years past in such a manner as to excite serious disquietude; and, following the analogy of private life, if there were a year in which, owing to some calamity, the expenditure was larger than usual, that was not the year selected for purchasing expensive articles of taste and luxury. In this country the Government ought to be very cautious in incurring such expenditure, the more so as it was well known that, buy what they would, or build what they would, every soul in the country next year would find fault with what they had done. He did not much like to meddle with a Vote of £2,000 a year, as it was a small sum, and did not signify much, but he thought that this was one of the most foolish of all the foolish Votes that had been proposed in the Miscellaneous Estimates.

Mr. BERESFORD HOPE said, that the speech of the hon. Member for West Surrey answered itself, because, if in old country houses historical pictures were laid in rooms over the stables, upon their faces, what would seem to be required was, some commodious gallery where they might be hung with their backs to the walls, and where everybody might see them.

Mr. CONINGHAM said, that he opposed the grant upon two grounds; not because he objected to the collection of genuine portraits of celebrated personages—for he should be the last to grudge money for such an object—but, because we had ample machinery for the purpose already existing at the National Gallery, and because he absolutely objected to the appointment of a totally irresponsible body of trustees, some of whom—especially the professional trustee—had proved themselves unworthy of the public confidence. In the discussion of this Estimate they had been told that there was no room in the National Gallery, but he maintained that there was ample space in that building if the Royal Academy were turned out of that portion of it which they at present occupied—a result which the Government were almost pledged to accomplish. He complained of the tone which had been adopted by the Chancellor of the Exchequer, in reply to his observations, carping at him as impeaching the character of Sir C. Eastlake. He begged to say he had done nothing of the kind. Sir C. Eastlake was a public officer, receiving public pay, and he (Mr. Coningham), as a representative in Parliament, took upon himself to impugn the public administration of that officer, and he maintained that he had clearly and satisfactorily shown that he was wanting in those qualifications which fit a man to occupy a post of such serious responsibility. He was borne out in this view by a great Parliamentary authority—the late Mr. Hume—who said that he was a man who did everything, and who directed everything, and that it was no wonder, therefore, that everything was done in the strangest manner. But more than this, Sir C. Eastlake had himself borne testimony to his own incompetence, when he stated before the Select Committee, in 1853, with reference to the purchase of the Holbein portrait, that it was such a mistake as he should hardly suppose that a person whom he should assume to be fit for the director of a national gallery would make. He hoped that they should hear no more about Sir Charles Eastlake being an amiable man. [The CHANCELLOR OF THE EXCHEQUER: I did not say he was an amiable man.] Some one on the Treasury bench had met him with that argument. He (Mr. Coningham) looked upon Sir Charles Eastlake as a public man, and when he made such an error as the Holbein purchase, and as sending a Commission to Paris to purchase a spurious Titian, which had been hawked about London for years, he contended that such proceedings were open to comment and to blame, He was told that, already, a secretary had been appointed for the portrait gallery, at a salary of £100 a year, and he had no doubt that, gradually, other officers would creep in, until a considerable expense was entailed upon the country. He, therefore, would appeal to the Committee, as the guardians of the public purse, to resist this grant, and to show to the Government, and to those who advised the Government in these matters, that a stop must be put to this system of irresponsible and useless expenditure.

MR. DISRAELI: I must say, Sir, that I think that the remarks of the hon. Gentleman who has just sat down are unfounded in fact and are erroneous in theory. The truth is that the hon. Gentleman has created a peculiar theory respecting Sir C. Eastlake, which influences all his opinions and distorts the conclusions of a clear and accomplished mind, which otherwise, I am sure, upon these subjects would be most instructive to the Committee. Sir C. Eastlake has little to do with this "miserable Vote," as it has been called, beyond exercising the influence which is exercised by any other trustee—[Mr. CONINGHAM: He is the professional trustee.] We really don't inquire when we meet in that room, whether a gentleman is a duke or a picture dealer, or the regulator of a gallery; but only whether he displays such an amount of taste and knowledge as will enable us to come to a satisfactory result. Sir C. Eastlake is only one of those trustees named by the Treasury to carry into effect the decisions of Parliament. It is very easy, no doubt, at this time to raise a protest against the expenditure of any public money, even for the purposes of enlightenment and education, for we are unhappily engaged in a very great struggle. We have before us a conjuncture of a magnitude which, with our alarmed imaginations, it is not very easy to conceive, and I agree that we ought to husband our resources and to be careful how we yield to appeals for devoting the public money to any other object than to maintain the existence of our empire and the glory of our country. At the same time, however, let us look at this question in that fair common sense manner in which we view the ordinary business of life. Now what was the origin of this Vote and of this Commission? An Address was moved and carried in the other House by Earl Stanhope, and her Majesty having returned a gracious reply to it, it became the duty of the Government to carry it into effect. The object of that Address was one which all must agree will, if well carried out, be of the greatest advantage to the country. It is to gather into one collection the names of all those who have illustrated our history, and whose names have become household words with all good Englishmen. However worthy of attack the hon. Gentleman may think Sir C. Eastlake, I cannot but consider that when the Government chose the members of the Commission they very properly placed upon it his name, as he is a gentleman of great knowledge and great taste, and one who brought to the Commission the high authority of his official position. But Sir C. Eastlake has not exercised any more influence over the proceedings of the Commission than any other member; indeed, I should say less. You must recollect that we have on that Commission such men as the Marquess of Lansdowne, Mr. Macaulay, Mr. Sidney Herbert, and Sir Francis Palgrave, who bring to the discharge of their trust a very extensive knowledge of the subjects connected with the intended collection. The hon. Gentleman argues this question as if our aim was to make a collection of fine pictures, but the gallery does not pretend to be anything of the sort. Its value depends on the authenticity of the portraits, and it is necessary, therefore, that there should be on the Commission persons qualified not only by their knowledge and study of works of art, but also by their command over all those sources of information by which the authenticity of historical portraits is to be decided, to take care that the public are not deceived. Sir C. Eastlake's opinion has always been most valuable, but it has not been obtrusively put forward, nor has it been predominant. Many of the points into which we have to inquire before determining on the acquisition of pictures have been such as Sir C. Eastlake would possess no more special knowledge about than any other well-educated and accomplished man. The opinions of the noble President and of Mr. Macaulay on these points would be as valuable as those of Sir C. Eastlake; and Earl Stanhope, with a sufficient knowledge of art, but with a profound historical knowledge and an acquaintance with the details of collections, has exercised a greater influence over the Commission than Sir C. Eastlake. The hon. Gentleman calls this a trifling miserable Vote; but it really is not, for it is a sufficient Vote. It never was intended that the public purse was to be open suddenly to collect together a considerable number of portraits; it was always assumed that there would be so much sympathy with the objects of the Commission that many persons in possession of portraits of historical value, animated by this national idea, would present them to the nation. That calculation has been found to be perfectly correct, and though the Commission has not been long in existence, very many interesting portraits have been offered to the country by individuals and families. I don't know whether the whole of the £2,000 voted last year has been spent yet, but if it has I am sure it has been expended with the greatest care. No purchase has been made without the utmost search and reflection, and when the gallery is open the public will see that a great result has been obtained at a very small expense, not only because our limited funds have been expended with admirable judgment, but also because the public sympathy with the objects of the Commission has been excited, and valuable treasures have been offered gratuitously to the gallery by our fellow-subjects. It was with great pain that I heard the hon. Gentleman speak in a very contemptuous tone of the Chandos portrait of Shakspeare, which has lately come into the possession of the country, as not being worth £10. I won't say a word as to its value as a work of art, though others, whose opinions stand very high, have entertained a very different estimation of its value,—but the Chandos Shakspeare has for a long period of years been looked upon as a memorable and interesting picture, and no doubt, very valuable. Whether it be worth £10 or £1,000, it didn't cost the country one shilling. It was munificently presented to the country by one who was long a Member of this House, and who will always be recollected with interest as a most accomplished patron of art, and a man of most refined tastes, who purchased it at the Stowe sale for £1,000. It was in consequence of the existence of the Commission that the Earl of Ellesmere presented that portrait to the nation. We have been in existence now for about a year, and we have acquired a considerable number of portraits infinitely more valuable in the aggregate than the £2,000 which has been voted to us. I don't think that the public funds could have been spent in a more judicious manner. Knowledge, taste, and experience have been combined to form a gallery which will be of the greatest advantage to the public. We owe much to Sir C. Eastlake, but more to the devotion and assiduity of our valuable chairman, who has given up his whole time to the duties of the Commission. Although, therefore, we may have arrived at a moment of danger in the public fortunes, I hope the Committee will not give way to an appeal to blot out a Vote of this kind—moderate in amount and very effective in its results. Surely there is higher game to fly at than a Vote of this sort. I know that I speak of these subjects quite as an unlettered man.. I do not pretend to decide whether the Chandos Shakspeare is worth £10 or £1,000 guineas. I know that there is no character with whom competition is more to be dreaded than an amateur dilettante. I should not venture on asserting the authenticity of a Correggio, or disputing with such an amateur the Correggiocity of a picture. I have, however, exercising such knowledge as I possess, ventured to give my humble opinion in such way as I thought would prove beneficial to the public; and when the Gallery of Portraits is exhibited, I shall appeal with confidence to the verdict of the public on the result which has been effected by the labours of the Commission. The hon. Member for West Surrey (Mr. Briscoe) complains that the Committee is not consulted on the pictures to be purchased. If I had had the least knowledge that the hon. Member was so profound a master of art as he has described himself to be, I would, when I was abroad, and when I was applied to to allow my name to be put on this Commission, not only have disclaimed all title to the distinction, but suggested that the hon. Member for West Surrey should be named in my place. With great respect to the hon. Member, I, however, think that the particular pictures to be purchased is a matter for the members of the Commission sitting in council, rather than for a Committee of this House. As we have only been twelve months in existence we only possess two dirty garrets in George Street, and with great deference to the taste and the profound knowledge which the hon. Member for Surrey tells us his long study has given him in matters of art, I can assure him that there was no intention on the part of the housekeeper to prevent him inspecting our collection. He might have mounted to our dusty rooms, and he would have seen there the Chandos portrait; he would have seen, too, a portrait of Dr. Mead, which I believe is of some interest; a portrait of Sir W. Wyndham in the robes of Chancellor of the Exchequer, and another of Sir Walter Raleigh, all of which have been acquired without any cost to the country. But it is totally impossible, while the collection is in its present stage, that it should be open to everybody who chooses to knock at the door, and step in to examine a picture. We have only had a year; but give us a *lustrum*, let us enjoy the benefit of this small Vote for five years, and then let us show you an exhibition of portraits which will prove that we have not betrayed the public trust. You will then have what you have never had yet—the foundation of a gallery of portraits in which your will see all the eminent men who have made the character of this country—of English worthies on which the youth of the country can look and become worthies in their turn. I understand the object of a National Gallery of portraits to be, not to produce fine pictures, but authentic portraits of eminent men. In that spirit it was the Commissioners commenced their deliberations. The Commission numbers among its members some of the best judges in this country, and it is only six months since we arrived at those conditions which are to regulate our acceptance and our purchase of pictures. If the hon. Member (Mr. Drummond) chooses to move for a copy of these conditions, I have no hesitation in saying that we shall offer no objection to their production. As I have just observed, our resolutions have only been come to within the last six or seven months, and the consequence has already been that you have received in public tribute—in donations from a sympathising country, infinitely more in value than you have expended in public money. I do entreat the Committee, therefore, not to be led away by the prejudices of the hon. Gentleman, excited on quite a different subject, and not rashly and precipitately to crush a project, humble in the claims it makes upon the public purse, but which in its results may be most important and highly conducive to the honour and interests of the country.

COLONEL FRENCH said, that if he trusted his ears he should suppose the discussion to turn on the respective merits of the hon. Member for West Surrey (Mr. Drummond) and Sir Charles Eastlake, instead of the formation of a National Portrait Gallery. For his part he agreed with those who thought the present was no time for such trifles as these. The Chancellor of the Exchequer who now spoke in such dulcet tones in favour of this Vote would, by-and-by, propose the increase of the income-tax on account of the wars in which we were engaged. He should certainly oppose the Vote.

MR. CONINGHAM, in explanation, denied that it had been his intention to make a personal attack on the Commission; he only wished to expose the system.

Motion made, and Question put,—

"That a sum, not exceeding £2,000, be granted to Her Majesty, towards the formation, in the year ending the 31st day of March, 1858, of the Gallery of Portraits of the most Eminent Persons in British History."

The Committee *divided*:—Ayes 85; Noes 31: Majority 54.

Vote *agreed to.*

(2.) £2,000, Cholera in the West Indies.

MR. W. WILLIAMS said, he wished to ask how long these Votes were to continue? The present was the fourth during the last six years. He thought it high time this inquiry should cease.

MR. WILSON replied, that the inquiry was now drawing to a close, and that this Vote would probably be the last.

Vote *agreed to.*

(3.) £500, Works at Spurn Point, River Humber.

MR. A. SMITH said, he wished to ask whether, if the claims put forward to the fore shore on the part of the Woods and Forests were to be established, that Department ought not to take upon itself the repairs of the shore in return for the pecuniary advantage they expected to derive?

Mr. ADAMS asked whether there was in existence any report upon these works subsequent to the letter from the Government Engineer to the Secretary of the Admiralty dated the 6th of May last, which appeared in the Estimates, and from which it seemed to him that the works already erected at a cost of £22,000 were about to be abandoned, and that the authorities were going to trust to the action of the wind and the currents for the formation of a bank of shingle or sand. He also was desirous of calling attention to the fact that the letter to which he had referred stated that if no breach occurred £500 would be sufficient to meet the current expenses. If, however, a gale occurred it was not unlikely that the whole island and lighthouse would be swept away, and therefore he wished to know what sum would be needed supposing that a breach did occur?

Sir CHARLES WOOD stated that no further report had been received, and he could not give any very satisfactory or conclusive opinion as to the security of the works. It was at present a matter of the greatest uncertainty. No portion of the Vote had reference to any works on the Island on which Spurn Lighthouse stood; that was under the superintendence of the Trinity House; and the works undertaken by the Government were intended to fill up two breaches in the bank which connected the island with the main land. These breaches were made three or four years ago. The smaller of them was completely filled up, and the larger one was also pretty effectually stopped, when it was found that the sea was throwing up a new bank of sand directly in front of it, and it was now thought that the Humber would be more effectually separated from the sea by this new bank than by any work that could be undertaken short of the formation of a breakwater, which would be a very costly work indeed. It moreover appeared by the old reports of Mr. Smeaton that the same thing had occurred many years ago. He did not, however, think that there was any great prospect of a breach occurring in the existing works, and would remind the hon. Member that it was not usual to present estimates for such contingencies.

Lord HOTHAM said, he would give no opinion as to the probability or improbability of a new breach being made in these works, but he recommended the right hon. Baronet to take such precautions as, if adopted in the first instance, would have saved a large part of the £22,000 which had been expended upon these works. Had any one competent to deal with such matters been upon the spot when these breaches were first made by the sea, he believed that they could have been stopped at a cost of as many hundreds as there had now been expended thousands. A great deal of damage was done by the delay which took place before the breach was repaired.

Vote *agreed to.*

(4.) £10,000, Additional Churches and Parsonage Houses.

Mr. W. WILLIAMS said, he would divide the Committee against this Vote. The Government very wisely withdrew last year the Vote which they had intended to ask on this subject, and he thought that such a Vote would never have made its appearance again in the Estimates. It was stated that this Vote was a contribution on the part of the Crown. Why, it was a contribution from taxes levied on the people at large. The Crown had nothing whatever to do with it. The Crown did not even contribute any part of those taxes. He was told, however, that the Secretary to the Treasury meant to make this pretence—that the money was to be given out of the proceeds of Crown property, commonly called the Woods and Forests. Well, that property no more belonged to the Crown than it did to the hon. Gentleman himself. The Crown had surrendered that property in consideration of receiving the allowance of the Civil List, and a very good bargain the Crown made by the exchange. Since Her Majesty's accession to the throne the annual rental of the Woods and Forests had not exceeded, on an average of years, £150,000, whereas the Civil List amounted to £385,000 a year. He did not find fault with the exchange made by the Crown. He wished every prosperity to the Church, and he was glad at all times to hear of the building of additional churches and the formation of additional congregations, but he contended that no greater injury could be inflicted on the Church than the building of new churches out of the public taxes. The Dissenters never came to that House to ask for the public money for building new chapels or churches. Neither the Established Church of Scotland, nor the Free Church of Scotland, nor even the Roman Catholics of Ireland, who were all without property, relied on voluntary efforts alone for the support of their churches and were never found coming to that House for the public money for the building of their places of worship. The property of the Church of England was enormous in amount. No complete return had been made out of the many millions of money annually received from the property of the Church. Was it just, then, to ask that House to tax the people of this country for building churches and parsonage houses in, above all other places, this wealthy metropolis? He was acquainted with many parts of the metropolis which had built churches at their own expense, and provided sufficient church accommodation for the whole of the population. Even the Church in Ireland, which was in a declining state, never came to that House to ask for money for the building of new churches. He therefore hoped that the Committee would resist this Vote, especially when, as he had already observed in an earlier part of the evening, this country would have plenty to do with its money without building new churches with it. The noble Lord the Member for the City of London and the hon. Member for Surrey had that evening remarked upon the vast increase in the Civil Service Estimates. The noble Lord had told them that during the Premiership of the late Sir R. Peel those Estimates amounted to £4,000,000, and that a few years before, while the Duke of Wellington was Premier, and in the last Session of an unreformed Parliament, they were only £2,000,000. The Committee would be astonished to hear that the Civil Service Estimates for this year amounted to £7,465,878, and that those for this year exceeded those for 1856 by £741,000.

Mr. WILSON said, he would at once state the ground on which the Government had thought it their duty to propose this Vote. There might be differences of opinion as to the policy of Government holding such a property as that of the Woods and Forests, but he thought there would be no difference at all—at least the principle had been acknowledged by the House on several occasions—that if the Government or the Crown held property, the Government or the Crown was bound to discharge the duties attached to property. The hon. Gentleman appeared to have altogether lost sight of the fact that within the precints of the Metropolis the Government possessed property the net annual rental of which was £150,000. Besides that property the Government owned property which, when the leases fell in, would yield a clear annual income of £500,000. The Government also possessed a variety of buildings—not less than 147—used for public purposes, including the Customs and Inland Revenue, which brought about the Metropolis a large population, and therefore rendered necessary additional church accommodation in the Metropolis. The origin of this Vote was this:—There had been a great want of accommodation in the new parts of London within the last few years. [Mr. W. Williams: In what part?] In the new parts of London; he could not exactly say where. But it was a notorious fact that in the north-western and in the new parts of London there was a great want of church accommodation. Under these circumstances the large proprietors in London were appealed to for donations for the building of new churches. The Marquess of Westminster was applied to, and he put his name down for £10,000. The Duke of Bedford was applied to, and he put his name down for £10,000. Now, as the Executive Government was also a large, and, in fact, the largest proprietor in the Metropolis, it was thought but fitting that it should contribute £10,000 for the building of new churches, which it was to the interest not only of the inhabitants, but to the holders of property and to the public generally, should be built where there was no church accommodation. The Executive Government felt that as they were landlords it was their duty to fulfil the ordinary duties of landlords. This was not the first occasion on which the House was asked to grant money for the building of churches on Crown property. Votes had often been asked for the building of new churches to accommodate those employed in the Customs as well as those engaged in the Coastguard service. The only ground on which this Vote was asked for was, that within the Metropolis the Crown was a large owner of property, and that it was to the interest of the Crown that it should faithfully discharge the duty of a proprietor by providing for the spiritual wants of those who dwelt upon its property.

Sir JOHN PAKINGTON said, he begged to tender his thanks to the Government for having included this Vote in the Estimates, as it was one which, after the statement of the hon. Gentleman, the Secretary to the Treasury, every one must feel impossible to be resisted. The hon. Member for Lambeth seemed to think that the Secretary to the Treasury was very much taken by surprise because he could not at once answer in what part of the Metropolis the proposed church accommodation was needed; but he suspected that the hon. Member himself would have been far more perplexed if the Secretary to the Treasury had reversed the question, and had asked him to say in what part of the Metropolis additional church accommodation was not needed. He believed that the population of this Metropolis was increasing at the rate of 60,000 a year, and not only outgrowing all the existing church accommodation, but also all the means of supplying new. For his own part, he thought that the Government were only performing an act of duty in asking for this Vote, and he should not object in future years to see the sum increased.

MR. GILPIN said, that the Secretary for the Treasury had stated that the Government held property for the Crown. Now, that property was not held for the Crown, but it was public property, and the hon. Gentleman went on to say that it was only proper to do with respect to that property what was done by the large landholders in London. Now, the two cases appeared to him to be entirely distinct from each other. Those landholders held their property to their own use, and were responsible to themselves alone; but the property to which the hon. Gentleman had referred was held on behalf of the nation, which contained persons of many different religious persuasions, and that being so it appeared to him to be inconsistent with the true principle of religious liberty to apply any of the money which arose from that property to the furtherance of any particular sect. Therefore, regarding the Vote as an infringement of the principles of religious liberty, he should give it his most strenuous opposition.

MR. WHITESIDE said, that the hon. Member for Lambeth had stated that the Church of Ireland, although in a declining condition, never came to Parliament for assistance. It was true that they never asked for a grant; but one reason for that was, that they were well aware that it would not be given to them. Not only practically was nothing given to them, but, acting upon the principle laid down by Lord Melbourne, that Protestantism was to get heavy blows and great discouragement, attempts were constantly made to take away from her that which she already possessed. During the present Session no less than £12,000 a year had been taken from the property of the Church in Ireland, and Parliament had done this at a moment when there were applications to the Ecclesiastical Commissioners for grants in aid of new churches to thrice that amount. It was not true that the Church in Ireland was declining, for in his own neighbourhood six or seven churches had been built. As to the Vote itself, he considered it a virtuous and proper Vote, and he was surprised, therefore, at its being proposed by the Treasury, because many of the Votes proposed by them had been most improper Votes. He could not agree that it was an infringement of any principle of religious liberty; but, on the contrary, it was very desirable that facilities should be afforded to the inhabitants of the metropolis for worshipping on the Sabbath day.

MR. MONCKTON MILNES said, he should support the Vote on grounds of social economy. It was most natural that in making any addition to the population of a parish, and after building a certain number of houses, a church should also be built. It appeared to him to be a simple case of the owner of property using that property to the best advantage.

MR. AYRTON said, he looked upon the Vote as being objectionable. The question depended upon whether that House was or was not a trustee of this property for the benefit of the whole nation, and if they were, then they had no right to apply any portion of it to build churches for any particular place. It was, moreover, a very important question whether there was any necessity to grant any money at all, and he was satisfied that if the Church property in the Metropolis itself were properly managed, there would be more than enough to provide accommodation for all persons belonging to the Established Church. He might point to the churches empty, and the clergy without employment in the City, and ask why both were not removed to the newer parts of the Metropolis, whither the population had gone? Again, there were large estates in London, such for instance as the Finsbury estate, which would be shortly worth £30,000 a year, and which had been rendered valuable solely by the increase of population, and yet the proceeds of that property were taken possession of by a body which Parliament had thought proper to appoint, and distributed in every part of the country from which applications for assistance might come. If Parliament were to lay down the principle of withholding all such grants as the present, the abuses which existed in the present management of Church property would be forced upon the notice of Parliament and the attention of the country, and then they might be redressed; but there was no hope of that being done so long as Parliament continued to vote these grants.

MR. PACKE observed, he was surprised that any objection should be made to the Vote, and he hoped the Committee would agree to it.

SIR FRANCIS BARING said, he wished to state the reasons which induced him to vote in favour of this grant. There had been great voluntary efforts and large subscriptions on the part of landed proprietors in London. The largest proprietor, however, was the Crown. If the hereditary revenue existed the Crown would be, no doubt, called upon for a contribution. The question was, did the compact made with the Crown by Parliament release Parliament from the obligation in this respect, which rested with the Crown? He (Sir F. Baring) believed it did not. Was property relieved from its duties and liabilities because it was in the hands of the Crown? This was a contribution on the part of the nation and the Crown, and in former times the Woods and Forests would have granted this money without coming to Parliament. The present was much the better mode, and he trusted that Parliament would enable the Woods and Forests to perform those duties which, as a great landed proprietor, the Crown could not be relieved from the duty of discharging.

MR. BRISCOE said, he thought that the application might fairly be made to the large amount of property belonging to the see of London without coming to the public Exchequer for money for church accommodation. There was in Surrey a Diocesan Building Society, to which he was a contributor, and the House might next be asked to subscribe to that fund. But, was there this want of church accommodation? He sometimes attended churches in the east of London, where the congregations were very small, and yet, although there were Westminster Abbey and St. Paul's, it had been thought advisable to have recourse to Exeter Hall. He entertained great doubts of the justice and policy of this Vote.

MR. LABOUCHERE said, he felt bound to state, as reference had been made to the property of the see of London, that Bishop Blomfield subscribed to this very fund no less a sum than £5,000.

MR. BEALE said, that landowners frequently subscribed towards the erection of churches, in the hope that the value of their lands would be thereby enhanced. If it were said that the value of the property of the State would be also enhanced by the building of new churches, that was an intelligible ground for voting this money. But the Secretary to the Treasury did not know where this property was situated, and unless he heard better reasons for this Vote he should divide against it.

THE CHANCELLOR OF THE EXCHEQUER said, he believed it would be difficult to define the position of the very extensive property belonging to the Crown; but in the neighbourhood of the Regent's Park and in the suburbs of the Metropolis, the Crown was a large proprietor. In these suburbs a large population was growing up, and it was most desirable that new churches should be built in these districts.

MR. DRUMMOND remarked, that he was strongly of opinion that this was not the best way of considering the spiritual destitution of the people. For the convenience of the clergy and the rich a very bad custom had been adopted by lumping a great many services together, instead of separating the morning prayer from the Litany, and both from the Eucharist. The present morning prayer consisted, in fact, of three distinct services, which ought to be celebrated at different periods of the day. Toleration at present was confounded with the support of the Church of England alone; but he would rather see a grant to other churches, in addition to this Vote of £10,000 for the Established Church. There could be no doubt there was great spiritual destitution in London. The Crown was the owner of a great deal of property in London, much of it situated in the worst and most depraved districts. He believed that a great increase of spiritual accommodation was necessary, and, although the present Vote was not the best way of supplying the want, he would not oppose the grant.

MR. COX said, that the noble Lord at the head of the Government had announced his intention to bring in a Bill for the abolition of church rates. The noble

Lord said he would bring in a Bill in a short time, and when he was asked what 'a short time' meant, he said 'during the present Session.' The Session was now nearly at an end, and there was at present no proof that it was the noble Lord's intention to bring in such a Bill. The present Vote, on the contrary, looked very like a church rate in a different form, and though he was a member of the Established Church he should oppose it. If the Committee voted this £10,000 for churches for one sect they would make other sects pay for it. Why should not Dissenters and Roman Catholics come to Parliament for money wherewith to build churches? He had been for two years churchwarden of a church which would hold 800 or 900 persons, and he could assure the Committee that the largest congregation consisted of seventy-five persons at the morning and twenty-five at the afternoon service. Could it be said that there was a want of church accommodation when in the city of London there were scores of churches that would hold thousands and were only frequented by hundreds, and scores of rectors who got £1,000 a year for preaching in empty churches? It was said that as the Crown possessed property it ought to contribute like other landowners. But every one would admit that a Roman Catholic proprietor would have a right to contribute towards Roman Catholic places of worship alone and so of proprietors of other sects. If the Roman Catholics or the Baptists came to that House and asked for £4,000 or £5,000 for new churches, would they get it? The property belonged to the nation, for the benefit of all sects, and it could not be properly appropriated towards any one sect unless Parliament was prepared to make similar contributions towards other Churches.

MR. HADFIELD said, he would contend that, in proportion as Parliament made provision for the building of churches throughout the country, in the same proportion would a check be placed upon the liberality of individual members of the community in promoting that object. There were in the United Kingdom between 25,000 and 30,000 places of religious worship, in the erection and maintenance of which no assistance had been derived from the State, and he could not help thinking that it was in the highest degree mean and shabby, that that which was the wealthiest denomination of Christians in this country should come to ask the House of Commons for a grant of £10,000 to be paid out of the public taxes for the purpose of church extension. Did the Committee believe that the Marquess of Westminster and the Duke of Bedford were the only churchmen who would contribute their £10,000 each? Let the Church beware of placing itself in the position of a favoured sect, or they would soon have a controversy of another sort—a controversy which would shake the Church to its very basis.

Motion made, and Question put,—

"That a sum, not exceeding £10,000, be granted to Her Majesty, as a contribution, in the year ending the 31st day of March, 1858, on the part of the Crown, towards the Fund of the London Diocesan Church Building Society, for building additional Churches and Parsonage Houses."

The Committee *divided*:—Ayes 97; Noes 56: Majority 41.

Vote *agreed to*.

(5.) £10,300, Fortifications at Corfu.

MR. WISE said, he would take that occasion of asking in what the nature of our relations with the Ionian Islands consisted; whether they were to be regarded as an English colony, or simply as a republic under British protection. He should also like to hear from the Government some explanation of the Vote before the Committee, inasmuch as he was not quite aware whether the fortifications, for the repair of which it was to be granted, were to be maintained for the purpose of protecting the Corfuites against us, or us against the Corfuites.

MR. LABOUCHERE said, he hardly need inform his hon. Friend that the Ionian Islands constituted a separate State, under British protection, or that it was looked upon as a great advantage in a national point of view that we should continue to occupy the important military position which those Islands afforded. The maintenance of the necessary military establishment consequent upon our occupation of that position necessarily entailed a considerable amount of expenditure, but it had not been deemed just, inasmuch as that expenditure was incurred for Imperial objects, to impose the entire of it as a burden upon the inhabitants of those Islands. An arrangement had, however, been entered into with them some years ago, in accordance with which they had guaranteed the annual payment of a sum of £25,000 into the British Exchequer towards defraying the charges incident to our outlay in that quarter for military purposes. The money was required for clearing away a number of old rubbishy fortifications, which were not only no longer necessary now, but were so many absolute impediments to sanitary arrangements and commercial facilities. The state in which those crowded fortifications remained in the Ionian Islands was really a disgrace to this country, and their removal had been recommended by our engineers as essentially necessary for maintaining the strength of the really useful portions of the fortifications at Corfu, and for the sanitary improvement of the town.

Mr. W. WILLIAMS said, he thought that the right hon. Gentleman in suggesting the necessity of these works in a sanitary point of view, had adduced the best possible reason why the inhabitants of Corfu should pay for them. He thought it most probable that the fortifications were erected to protect us against the Ionians, as it was impossible to have more deadly foes than the Ionian Islanders had shown themselves to this country. He thought the right hon. Gentleman (Mr. Labouchere) was the only person in the House who believed that it was any great advantage to this country to have possession of those islands. We were pledged to maintain a large military force there, and of what value was the place to us? At the treaty of Vienna, most, if not all, of the European Powers refused to have anything to do with the protectorate of the Ionian Islands, and they went a-begging, as it were, until at last this country generously took them under its protection.

Mr. LABOUCHERE said, he would beg to reiterate the statement that the removal of the old and useles part of the fortifications was absolutely necessary for sanitary purposes and for maintaining the strength of Corfu as a military position, and he would at the same time remind the hon. Member for Lambeth that a much higher authority than either he or himself (Mr. Labouchere) had declared how important it was that we should continue to hold possession of Corfu.

Mr. BENTINCK said, he would also take leave to controvert the statement made by the hon. Member for Lambeth that this country had no more deadly foes than the inhabitants of Corfu. [Mr. Williams: Than the inhabitants of the Ionian Islands.] He believed there never was a more complete misapprehension than that under which the hon. Member appeared to labour, for the people of Corfu were in a remarkable degree peaceable and well disposed to this country, and what had led to disturbances there were the mischievous efforts made by a few English malcontents and grumblers to engraft the English constitution on a garrison town.

Mr. STAFFORD said, he thought if any fault was to be found with the Vote it was that it was rather too small than otherwise. The hon. Gentleman (Mr. Williams) had obviously taken his opinion of the Ionian Islands from certain statements—erroneous, as he (Mr. Stafford) believed—which recently appeared in some of the public prints. He would avail himself of that opportunity of paying a tribute of admiration and gratitude to one whom he did not think that House or the country had appreciated as he deserved to be. He alluded to Sir H. Ward, the former Lord High Commissioner. He thought the manner in which that gentleman had maintained the perfect tranquillity of the islands in the defenceless state in which they were left during the last war, with Athens on the one hand and Albania on the other, proved him to be a man who deserved well of his country. If during so extremely difficult a period he had been instrumental in mitigating or quelling any disturbances that might have taken place, he would have been the subject of eulogy in that House. But he deserved the higher credit of having prevented all disturbances whatever, and maintained complete tranquillity and obedience to the law throughout a very serious crisis. He (Mr. Stafford) had stated these facts of his own knowledge, he having been twice in the Ionian Islands during the war; and, though he held political opinions different from those of Sir H. Ward, he could not help paying that tribute of admiration and gratitude to him.

Mr. LABOUCHERE said, he entirely concurred with the hon. Member for Northamptonshire (Mr. Stafford) in feeling that a debt of gratitude was due from this country to Sir H. Ward for the ability displayed by him under very trying circumstances in the Ionian Islands. Something had been said in that House as to the present state of feeling in the Ionian Islands, which he thought was exaggerated, for he had received from his right hon. Friend Sir J. Young, the present Lord High Commissioner, a despatch apprising him of the termination of the legislative Session, and he (Mr. Labouchere) believed it was the first time since the constitution was established there that it had not been found necessary to cut the Session short by a prorogation. Some very useful measures had been passed, and the Session had terminated in a peaceable and satisfactory way. It was true that some violent language had been used in the course of a debate, but he believed that was much exaggerated by the reports in some of the newspapers. He certainly thought the Assembly had behaved better during the past Session than it had done for some years, and that great credit was due to Sir John Young for the manner in which he had discharged the functions of his office.

Vote *agreed to;* as was also,

(6.) £2,000, Testimonial to the Duke of Wellington, Phœnix Park.

£10,500 for the purchase of a Chapel in the Rue d'Aguesseau, at Paris, for the use of the British residents and visitors in that city.

Mr. WISE said, he was desirous of calling the attention of the Committee to the fact that the chapel had been already purchased and £2,000 advanced from the civil contingencies on account of its purchase. He must enter his objection to the principle upon which that had been done. A contract had been entered into, and money paid on account, without the sanction of Parliament having been first obtained. The facts, he said, connected with the chapel in question were these: It was erected some years ago by Bishop Luscombe, at a cost of £6,000, and it was distinctly understood at the time, that after he had repaid himself that sum he was to transfer the building to the British Embassy. The bishop, on becoming an old man, changed his mind, and offered to let the British Government have the chapel in consideration of his receiving an annuity of £1,000. The British Government having declined that offer, a gentleman in Paris accepted it, and, Bishop Luscombe dying six months after the transaction had been completed, the gentleman in question got the chapel for £500. The Bishop of London applied to the Earl of Aberdeen to make this purchase in 1846, and a Treasury Minute, dated February 4, 1846, stated that their Lordships were of opinion that strong objections existed as to the propriety of the Government buying the property on any terms, and that if a suitable building for divine service was necessary the funds should be provided under the 12th section of the 6th of *Geo.* IV., c. 47. The former Lord Cowley and the Earl of Aberdeen both pressed the late Sir Robert Peel to reconsider that Minute, and there was a second Minute to the effect that the Treasury saw no reason to modify the opinion previously expressed. In 1849 the Marquess of Normanby communicated with the noble Lord at the head of the Government on the subject, and a long correspondence passed between them. On May 7, 1849, the Marquess of Normanby wrote that as M. Chamnier, the purchaser of the chapel, had asked the exorbitant sum of £10,000, the possibility of treating was at an end. On the 28th of October, 1850, the Marquess of Normanby wrote that as the Rev. M. Chamnier required £10,000, he did not pursue the matter further. He had shown the opinions of the Treasury in 1846 and of the Marquess of Normanby in 1850 as to the principle and the price. Her Majesty's Government, in taking the course which they had adopted, had in reality superseded a well-known Act of Parliament. The Act provided that if any English subjects in any city, town, or port, desired a chapel, hospital, or cemetery, they should show their desire by subscribing a certain amount, and Her Majesty's Government would then advance the other moiety. That was a principle which he could understand, and a few years ago the English at Paris understood it. They had a meeting, and suggested that if Her Majesty's Government would advance £3,000 they would find £3,000. If that had been done the Act of *Geo.* IV. would have come into operation, and the House of Commons would have had nothing to say upon the subject. Since the Act of *Geo.* IV. they had paid £218,820 in these foreign chapels. From 1844 to 1857 the Vote had increased from £4,000 to £8,000 for consular chapels, exclusive of special Votes for chapels at Constantinople. He must say conscientiously that the present system of having the service at one time in the drawing-room and at another time in the dining-room must be a source of constant annoyance to the embassy and of discomfort to the English residents. But then came the question whether they were bound to provide church accommodation for all the English who chose to go abroad. At the chapel now contracted for there had been a custom of charging a franc, or some small sum, for admission of the English nobility and gentry. It was no more than was done in London. Seats which were free were generally attached to mansions, or farm-houses, or other dwellings in the country, but he apprehended the great mass of the population of the metropolis rented their seats, and contributed voluntarily to the support of their churches. It seemed very unfair to ask the Committee to vote £10,500 for the specific accommodation of the most wealthy, the most elegant, and the most accomplished of our countrymen who went to live at Paris. When they considered what an embassy chapel was, that some of those who attended attached less importance than ordinary to religious duties, that many others went there, to his knowledge, to make assignations, they ought to pause before they voted away the public money. He would answer for it that the religious of the English community did not go to the English Embassy chapel, but to other places where the religious instruction was of a very different character. It was high time that they should look after these sort of Votes. The house expenses at Paris were £2,725; the salaries of the embassy came to about £20,000; and they had already paid £89,000 for the ambassador's house. There was a chapel already in the Champs Elysées capable of holding 600 or 700 persons, and yet they were called upon to pay the large sum of £10,500 for another chapel at Paris. He wished to ask why the opinion of the House was not taken last year? He happened to know that in March, 1856, the owners of the chapel were asked by the Government to sell it, and the price was then £9,000. He wanted to know why it was now £10,500? He was also informed that the chapel was sold to an American, and after the purchase the pressure on the British Ambassador was so great that legal proceedings were threatened. Some old *projet de loi*, or something of that sort, was brought into operation, by which the person who held the chapel was put into great difficulties. Some ancient will or agreement of Bishop Luscombe was brought against him, and the American gentleman was obliged to give up his purchase. He should like to hear further details of this little story which he had picked up in Paris. The Government might make contracts and payments out of civil contingencies in cases of emergency and sudden calamity, and the House would meet them generously and liberally; but this question had been hovering over them for ten years. He had been on the watch five or six years, and he deemed himself specially "done" when he found the money was paid, the bargain made, and the Bill presented for payment. The Treasury ought to be the great check upon the public expenditure, and proceedings of this kind must have a tendency to diminish, if not to destroy, confidence in the Treasury. They were told by high authority that the notion of confidence did not exist in the British constitution, that they must not have confidence in any one, and that it was the business of everybody to look to details. But he found that that was almost impossible. Perhaps the only way was to adopt the views of some of the Members of the Public Moneys Committee which had lately sat, and impose the wholesome and salutary checks upon the public accounts which were recommended by a Commission as far back as 1831. If the Committee sanctioned this Vote he thought that Estimates and Committees of Supply would be a delusion and a snare. In this case a contract had been made, £2,000 had been advanced from the Civil Contingency Fund, and the House of Commons was expected to register with blind subserviency the will of a Minister. He should resist such a proposition, and divide the Committee against the whole Vote.

MR. WILSON said, the hon. Gentleman had described very accurately the various attempts which had been made to procure an English chapel in Paris. It was a fact, that in every metropolis where there was an English Embassy there were a chapel and a chaplain. The House had recently voted a considerable sum for repairing the Embassy chapel in Constantinople. The hon. Gentleman had stated that, in 1849, the Marquess of Normanby recommended the purchase of the chapel in Paris, but thought that £10,000 was too large a sum to pay for it. The hon. Gentleman did not deny that there had always been a chapel at Paris; and he had also proved to the Committee the inconvenient character of the one which had existed, by stating that on one Sunday the dining-room, and on another the drawing-room, of the Embassy were used for the purposes of Divine worship. No doubt such had been the case, and it was that very circumstance which had induced successive Governments to endeavour to find a suitable chapel. It was proposed at first that the Government should build a chapel on the site of an old stable-yard attached to the Embassy; but it was soon ascertained that, owing to the great increase in the value of property in Paris since 1849, the erection of a chapel upon that spot would cost far more than what had been paid for the chapel now under discussion. The necessity of having a chapel being admitted, what the Government had to consider was, the best and most economical mode by which one could be obtained. In 1849, the Marquess of Normanby thought the price asked for the chapel in the Rue d'Aguesseau too high, and, until the present year, no opportunity presented itself for making the purchase. Now, seeing that the House had voted £300, £400, and £500, annually, for converting one of the rooms of the Embassy into an inconvenient chapel, he thought that the purchase of a commodious chapel for £9,000 could not be called an extravagant arrangement. The circumstances under which the purchase was made might be stated in a few words. In January last, Lord Cowley wrote to the Earl of Clarendon that the chapel in the Rue d'Aguesseau was at last for sale, and that he hoped the Government would consent to its purchase. Subsequently it was ascertained that the chapel had been sold to some American gentlemen for the use of an American congregation. The English residents in Paris were anxious to possess the chapel, not only because it was much required, but also because it had been built and always occupied as an English chapel. After considerable negotiation, the American gentlemen consented to give up the purchase, and allow Lord Cowley to get possession of the chapel on behalf of the English Government. The purchase money was £9,000—the difference between that sum and the amount of the Vote being required for repairs and various other expenses. The hon. Gentleman had said that it was not the duty of the House of Commons to provide a chapel for the rich English people who chose to reside in Paris, and so far he (Mr. Wilson) agreed with him; but such was not the intention of the Vote. A number of free seats had been retained for the use of the poor English residents in Paris; but it was calculated that a sufficient number would be let to pay all the musical and other expenses of the chapel; so that, in point of fact, the Government had secured a chapel attached to the Embassy, in which the chaplain of the Embassy would officiate, and the annual cost of which would be paid by the congregation. The hon. Gentleman had referred to an Act which provided for the erection of chapels, hospitals, and burial-grounds abroad, upon the English residents paying part of the cost; but the present was not an analogous case at all. If the Government had thought it was, they need not have come to Parliament for a Vote; and it was only because the chapel in Paris was an Embassy chapel that they had felt themselves bound to make an application to that House.

Mr. HANKEY asked the Secretary of the Treasury whether he knew of another instance in which an Embassy chapel was supported by pew rents?

Mr. WILSON said, there were a great number of chapels where the pews were let. He did not know whether that was the case in Constantinople; but he hoped his hon. Friend did not mean to say that, after a considerable number of pews had been retained for the English poor in Paris, the rich persons who used the chapel in the Rue d'Aguesseau should not pay a moderate sum for the accommodation they found there.

Mr. HORSMAN said, the Committee ought to proceed on some intelligible principle. If they were unable to vote more than £10,000 for providing religious instruction to the poor at home—although there was an immense mass of spiritual destitution in this Metropolis which they confessed themselves unable to overtake—they would not be justified in voting £10,500 for the benefit of a single congregation, the wealthiest that could be found in Paris. He really thought the last class that ought to ask for public money was that most wealthy and most aristocratic class who visited the most luxurious capital of the Continent for purposes of pleasure. The negotiations for this chapel had been going on for years, and the purchase had been declined years since by the late Sir Robert Peel, on the ground that the price was enormous. Was it lower now, or were our means more abundant than in former years? For himself, he could not but protest against such a lavish expenditure of public money; and he hoped the Committee would agree with him that it ought not to be sanctioned.

Lord HARRY VANE remarked, that he thought that most forcible objections had been urged against the Vote, which had not been satisfactorily answered by the hon. Gentleman the Secretary for the Treasury. In the first place, the hon. Gentleman had not fairly stated the case. As far as his (Lord H. Vane's) knowledge extended, there had never, except under the particular Act of Parliament which had been referred to, been any grant of public money for chapels abroad. He believed there were chaplains attached to embassies and to missions, but there were no chapels except in the single case of Constantinople. The chaplain was intended to be the personal chaplain of the Ambassador and those connected with the mission. It had never been intended to grant public money to build churches abroad; but, in order to assist the efforts of those who wished for them, the particular Act had been passed, by which, upon one-half of the amount required being subscribed, the Government were authorized to grant the remainder from the Consolidated Fund. That was a very proper arrangement, and why it had been departed from he could not comprehend. He remembered Bishop Luscombe taking the chapel, but he did it as a speculation, and his successor did the same. He agreed with the right hon. Gentleman the Member for Stroud (Mr. Horsman) that the wealthy persons who attended that chapel were able to provide for it; and he thought, if the Government had refused to grant the money, a sufficient sum would have been raised to warrant the Government in applying the provisions of the Act of Parliament. He could not see that any ground for the Vote had been established; but, on the contrary, he was of opinion that it was a departure from the general rule to which he hoped the Committee would not give its consent.

VISCOUNT PALMERSTON: I cannot understand the force of my right hon. Friend's argument, that so long as there are any poor unprovided for no expenditure is to be incurred except for their relief, because, if that argument is pushed to its legitimate conclusion, we must apply the whole public revenue in the shape of poor-rates. That argument, however plausible and *ad captandum*, will not bear investigation, and therefore does not tell much against this or any other proposal. It is asserted that the British residents in Paris are entirely an aristocratical body and ought to find their own chapel. That is not the fact. There are 10,000 British residents in Paris—a fluctuating population—while of those who are established in Paris many are of the lower classes, who have gone there to exercise their industry, and persons far from being in affluent circumstances and not capable of contributing to the purchase of a chapel. It has long been a reproach to the British nation that there has been no place of public worship in Paris available for all British subjects. There has been the dining-room of the Embassy for a few, and it could not hold many, who went there on Sundays for religious purposes. My noble Friend (Lord H. Vane) says chaplains are appointed to embassies for the private use of the ambassador and his family,—in short as their domestic chaplains. That is by no means the case, and Parliament would never have voted the salaries of chaplains upon any such footing. The chaplains attached to embassies are appointed to minister to all British subjects who may resort to the capital where the embassy is placed. This has been argued as an exceptional case, as if Parliament had not been in the habit of finding funds for the purpose of providing places of Divine worship for British subjects abroad; but that statement is refuted by the arguments of those who make it. In point of fact, sums of money are available from the Consolidated Fund in aid of public worship at every consular establishment. The whole amount is not given, only the half, but in principle it makes no difference whether one-half or the whole amount be given. It may be a question of amount; but it is not a question of principle. At all places where consuls are established the Consular Act enables the Government to give a sum equal to that which may be subscribed by the residents. The British residents in consular towns—seaport towns—are persons whose residence there is fixed; they have permanent interests in the place, and may therefore fairly be called upon to subscribe for the purchase of a permanent place of worship. But the majority of those affluent persons, British subjects, in Paris, who have been referred to, are those who go there for six weeks or two months, and you cannot expect persons whose residence is so temporary to contribute largely for a permanent chapel in a place which they may not revisit for three or four years. My hon. Friend the Secretary for the Treasury has stated, nevertheless, that there will be payments made for a certain number of seats, and those payments will furnish funds for all current expenses for the maintenance of the chapel. I am sure none of those whom I am addressing, who have been in Paris during the last few years, can fail to be aware that there has been a general feeling of shame that British subjects had no decent place of worship wherein the chaplain of the Embassy could minister to them. I should really hope that this Vote, which is calculated to supply a deficiency that has long been felt, will be agreed to. It is said that there was an understanding that Parliament would not vote and the Government would not propose any sum for the purpose of this chapel, but that the British residents there should raise the means, and that was being done. The fact is that the British residents in Paris never have, and never would, supply a sum sufficient to build a suitable chapel. I do hope the Committee will agree that this is not a matter depending on a principle of established practice, but is a Vote intended to supply a want that has been grievously felt by British subjects in Paris, and to remedy what has long been called a disgrace to the country.

Lord JOHN MANNERS said, the noble Lord had complained that an argument which had been used against the Vote would, if pushed to its legitimate conclusion, lead to an absurdity, but what the noble Lord's argument would lead to he (Lord John Manners) could not tell. The noble Lord said because there was an Act of Parliament which enabled sums in aid to be voted from the Consolidated Fund if certain amounts were otherwise raised, that therefore no principle was at stake in the present instance, and that it made no difference whether the whole sum was voted by the House or only a portion. Such an argument, if it were tenable, would relieve the friends of education from all responsibility, and they might leave the whole burden of providing for national education upon the shoulders of the Government. He felt great difficulty as to how he should vote upon this occasion. Having listened to the statements of the hon. Gentleman the Secretary to the Treasury, he entertained doubts whether that statement was satisfactory. The hon. Gentleman had said that a most unseemly practice had prevailed of making a chapel alternately in the drawing-room and the dining-room of the Embassy. He could not help thinking that, when there was no such Vote as that now proposed, this chapel was the chapel of the British Embassy. It was true that for the last three or four years the House had been called on to vote small sums for the purpose of increasing the accommodation; but some time before that no such Vote at all had been required, and he wished to know why that state of things had ceased to exist. He thought no satisfactory reasons had been assigned for the change. It had been urged that the Committee ought not to hesitate in passing this Vote, inasmuch as a certain tax would be levied upon the wealthier class of English people who frequented the chapel; but he entertained a very strong objection to the system of pew rents, and to making people pay for the performance of Divine service. It had been said that the tax would only be levied upon the rich, and that sufficient space would be assigned to the poor; but who was to determine the sufficiency of that space? The noble Lord (Viscount Palmerston) had stated that the great body of English residents in Paris were poor. The chapel, then, ought to be intended for their benefit, and why was it that only a limited portion of the edifice was to be appropriated to their use? He thought it unworthy of the dignity of this great nation that in the chapel of the Embassy in such a city as Paris the best portion of the seats should be let out, and that a payment should be required from every stranger who attended. The chapel should be free to Englishmen, and to all other persons who chose to go there. He wished to know why it was that the proposition, which had been made some two years ago, to raise a subscription in Paris and in this country, in order to provide an English chapel, had been allowed to drop. He believed the subscription list had been headed by Her Majesty, and that a large sum had been subscribed to carry out the project. Numbers of comparatively wealthy English people resided in Paris during some months of the year, and many others made that city their permanent residence, and he thought therefore it could not be a difficult matter to raise £3,000 or £4,000 by subscription towards the erection of a chapel.

Mr. WILSON said, the noble Lord was quite right in stating that some years back a subscription was entered into for the purpose of erecting a church in Paris. The late Bishop of London had made great efforts in the cause, and Her Majesty the Queen had given a subscription of 100 guineas to promote the scheme. Nevertheless, the whole thing came to nothing, for notwithstanding all the exertions which had been made, not more than £500 could be collected. The noble Lord (Lord John Manners) had also asked whether the chapel did not, at one time, belong to the Embassy. Well, he must venture in reply to state that the chapel had never belonged to the Embassy at all. It had been built by Bishop Luscombe, and afterwards sold to the late proprietor. He must also say that it was not intended strangers should pay at all for seats; there need be no collection at the doors, and ample provision would be made in the main body of the building for the accommodation of the poor, who it was said had been in the habit of crowding round the doors of the existing chapel for some time before service commenced. About two years ago it was proposed to build a chapel in the yard of the Embassy, but not only was the project renounced because of the expense, but likewise because it was likely to interfere with the building generally.

Mr. HORSMAN observed, that the Secretary to the Treasury had called upon them to remember that this was a chapel specially for the Embassy, and in that character the Vote was pressed upon the Committee. With reference to that statement he (Mr. Horsman) had said that the English residents and visitors in Paris who frequented the Embassy chapel were usually of the aristocratic classes, and to that assertion he adhered. He certainly thought that when a small sum was asked to provide for the religious instruction of our poor at home, while a larger sum was asked to make similar provision for our wealthier countrymen in Paris, hon. Members might fairly and justly protest against such a Vote.

Viscount PALMERSTON said, his right hon. Friend was doubtless perfectly accurate in stating that when he had attended Divine service in the drawing-room of the embassy-house at Paris he met none but members of the aristocratic classes, and that was the very reason for proposing the purchase of the chapel in the Rue d'Aguesseau. When his right hon. Friend next visited Paris, and went to that chapel, he would meet the poor, who would be admitted gratis; but in the drawing-room of a private house it was impossible his right hon. Friend should meet the poor, because they could not get in.

Sir WILLIAM JOLLIFFE observed, that he must declare this to be the most extraordinary Vote which had ever been submitted to Parliament. He could not conceive why this chapel in the Rue d'Aguesseau was to be converted into a national church. He had attended that chapel for many years, and had always paid on entering, and he could discover no reason why he should complain for having to do so. What had he to do in London? It was true, perhaps, he might get a seat in St. Margaret's without payment; but, then, what had he to do with his family? He had always had to pay for the accommodation of public worship in London, and why should he not do so in Paris? He recollected, perfectly well, the Earl Granville, when ambassador, used to have a pew in the chapel for the benefit of the embassy, and he paid for it. Well, and why was not that arrangement continued? Why need they fit up a drawing-room or a dining-room at the Embassy, when a pew was available outside the house? Certainly, as far as his recollection went, the majority of the attendants at the chapel were dressed out in a manner almost exceeding anything which was to be seen in London. He must repeat, he thought this would be one of the most extraordinary Votes ever submitted to Parliament, and he felt he should be deserting his duty if he did not protest against it.

Mr. HANKEY said, as he understood the matter his proposal, instead of increasing would diminish the amount of accommodation. Hitherto, there had always been service at the Embassy, and the chapel about to be purchased had been open at least twenty years. After this purchase was made, only one of these places of worship would be open. How, then, could the amount of accommodation for the poorer English in Paris be increased by the change?

Viscount PALMERSTON said, the way in which the purchase would give greater accommodation was this. At present, nobody could get into the chapel, except by payment, and the pending arrangement was, that the greater portion of it should consist of free sittings, open gratuitously to those who wish to go there.

Mr. PEASE said, that the perseverance of the Ministry in pressing these expensive schemes upon the House caused him no small alarm. [*A laugh.*] Gentlemen might laugh, and he would be glad if he could join in the laugh too, but the matter was, really, too serious. He believed there would be, sooner or later, a day of reckoning in this country, for the lavish way in which they were spending the public money. Was it not for the imperturbability of the Chancellor of the Exchequer, he might well be alarmed at the disintegration of the Consolidated Fund that was going on. They had had before them a Vote of £10,000, for building churches in London, and that sum, well laid out, would erect, at least, five churches; but, having come to that Vote, they were immediately taken across the Channel, and asked to give a larger sum for the few British residents that might be in Paris, and for the use of the Embassy. He presumed the noblemen and gentlemen who resided in Paris, for their amusement and pleasure, would be found, if they were at home, liberal supporters of the churches which they might attend, and why should they not support their church abroad? There was not one of those noblemen or squires who did not draw large revenues from this country, and live in palaces at Paris; and why should they not contribute to the maintenance of the place of worship which they attended? He felt himself bound by all the evidence he had heard, to vote against this appliction of the public money.

Sir HENRY WILLOUGHBY said, he wished to hear, distinctly, from the Secretary to the Treasury, whether any contract had been entered into for the purchase of the chapel, and whether it was true that £2,000 had been paid.

Colonel HERBERT said, that there was no room in the present chapel for those who wished to go there, and he thought there certainly ought to be a place at Paris capable of holding all the English who wished to attend Divine worship. He thought a new chapel was required, and, if the Vote was merely for the appropriation of the old chapel, he should be inclined to oppose it.

Mr. KER said, he believed that people were unable to effect an entry into the chapel, not because they were required to pay an entrance fee of 1*s.*, but, because there was not sufficient room. He had been under the impression that they were to have two chapels in Paris, so that British residents, and people passing through that city, would have no difficulty in being able to attend public worship; but it appeared this was not to be the case. It was his intention to have supported the Vote, but, if it was only for an appropriation of the old chapel which had so long existed in the Rue d'Aguesseau, he would be inclined to vote against it.

Mr. WISE said, the noble Lord at the head of the Government spoke of the chapels attached to our embassies having a national character. He would reply to that by an anecdote. We had at Vienna a chaplain with a salary of £300 a year. On a recent occasion, when it suited the convenience of the Ambassador to leave Vienna for a villa some six miles off, the chaplain gave notice that service would be conducted at that distance from Vienna, in order to accommodate the ambassador, and the consequence was, that the British inhabitants of that city had to pay 15*s.* to go to church.

Mr. SPOONER hoped an answer would be given to the inquiry put by the hon. Member for Evesham (Sir Henry Willoughby), as to whether there had been any contract for the purchase of this chapel.

Mr. WILSON said, he could only repeat the statement he had made at the commencement of the discussion, that a sum of £2,000 had been paid, in January last, on account of the purchase of the chapel; and further, that in the same month Earl Cowley had written to the Earl of Clarendon, to say that the chapel had been purchased by some American gentlemen for a different purpose. However, Earl Cowley had succeeded in inducing them to resign their purchase, having been solicited to do so by the British inhabitants. The consequence was, Earl Cowley had entered into a contract to purchase the chapel, and a certain sum had been paid out of the Civil Contingency Fund, on account.

Mr. M'CANN remarked, that he thought that those Gentlemen who went to reside in Paris ought to pay for their own place of worship.

Motion made, and Question put,—

"That a sum, not exceeding £10,500, be granted to Her Majesty, for the purchase, in the year ending the 31st day of March, 1858, of a Chapel in the Rue D'Aguesseau at Paris, for the use of the British Residents and Visitors in that City."

The Committee *divided*:—Ayes 47; Noes 135: Majority 88.

Motion *negatived.*

(7.) £1,500. Boundaries of Counties, Baronies, and Parishes in Ireland, for 1857-58, *agreed to.*

Motion made, and Question proposed,—

"That a sum, not exceeding £10,000, be granted to Her Majesty, towards defraying the Expense of the Erection of the Industrial Museum at Edinburgh, in the year ending the 31st day of March, 1858."

Sir HENRY WILLOUGHBY observed, that he thought the Committee ought not, without some good reason, incur, by agreeing to this Vote, an expense of £40,000 (the estimated cost of the building).

Mr. WILSON said, that, four years ago, when the right hon. Gentleman, the Member fof Oxford (Mr. Cardwell), had been at the head of the Board of Trade, a sum of £40,000 had been voted by the House for the purchase of a piece of land in Edinburgh, on which a museum was to be built; and the present proposed Vote of £10,000 was brought forward for the purpose of commencing the building. The museum would be in connection with the Department of Science and Art, and a similar edifice was to be constructed in Dublin.

Mr. LOCKE KING asked whether the building had been commenced, or whether any contract had been made for its construction?

Mr. WILSON said, that the land had been purchased in conformity with the decision of the House. He was not aware that any contract had been entered into in the case, but plans had been made, and estimates had been furnished.

Mr. CARDWELL said, that, as he had been alluded to in reference to this matter, he wished to state what he understood to be the exact position of the case. In consequence of what had been sanctioned, three or four years ago, by the House, the land was purchased for the purpose of building on it an industrial museum, and an arrangement was made with the Town Council of Edinburgh, by which a considerable sacrifice was made by them, on the understanding that, at a future period, the museum would be erected; but no agreement was made as to the precise time when the museum would be built. It appeared to him that the only point the Committee had then to consider was, whether the present moment would be a favourable one for undertaking such a work.

Mr. GLADSTONE said, he wished that some information, founded on positive documents, could be furnished to them in reference to that subject. He had no recollection that so large a sum as £40,000 had been proposed for building an industrial museum at Edinburgh. He could not help thinking that his nerves would have been a good deal shaken by such a proposal.

Sir HENRY WILLOUGHBY said, he thought the Vote might be postponed to a more favourable opportunity. At present, the Government had no great command of funds, for, to-morrow, the Chancellor of the Exchequer was going to move an increase in the tea and sugar duties.

Mr. DISRAELI said, that this was a very considerable Vote, and, as it was a first instalment, and they had never voted anything yet in pursuance of the general project, he suggested that the Government might, with perfect propriety, not press it upon the Committee. No doubt, the object would be an extremely laudable one in sunshiny weather, but he thought, under existing circumstances, that the Government would act wisely to withdraw the Vote for the present.

The CHANCELLOR of the EXCHEQUER said, that the site of the museum in Edinburgh had been acquired by the Government, and paid for; and every year that the space remained unbuilt upon it was, *pro tanto*, a loss to the country. However, he recognized the feeling which pervaded the Committee to avoid any expenditure which was not absolutely necessary, and, as this was an item, probably, which came within that category, he should not oppose it.

Mr. WHITESIDE said, he hoped that, whenever an opportunity should arise, the Government would state what had been actually done for the construction of a similar museum in Dublin.

Mr. KINNAIRD said he regretted the decision at which the Chancellor of the Exchequer had arrived. This was one of the means for instructing the people; and although they had voted hundreds of thousands for the British Museum, and a large sum for a kindred institution in Dublin, they refused to carry out the same laudable object in Edinburgh.

Mr. CARDWELL said, that the sum actually voted in the Estimates of 1854 was £8,500, being £7,000 for the purchase of the proposed site, and £1,500 for other incidental purposes.

Motion by leave *withdrawn.*

(8.) £8,970, Repository for Public Records; *agreed to.*

(9.) £24,000, Chelsea Bridge.

Sir HENRY WILLOUGHBY said, he was anxious to direct attention to this case, as showing the utter worthlessness of estimates; instead of being guides to Parliament in voting money, they were positively traps and delusions. In the case of this bridge there had been no less than six estimates already, and he did not believe that that would be the last. The first estimate was £60,000, the second was £70,500, the third was £75,000, the fourth £88,000, the fifth £91,000, and the sixth was £94,266. It was too clear that the last estimate was not complete as it did not include the formidable items of compensations, purchases, legal charges, and so on. It was but justice to the right hon. Gentleman opposite to state that he gathered these facts from the correspondence which he had laid on the table, but he asked what was the good of these estimates unless they compelled those who made them to adhere to them? He contended that this was a monstrous case, and that nothing could be more ridiculous than the position in which they stood with regard to it. He wished to know what sum had been actually expended on the bridge at present, how much more would be required to complete it, and to what extent the public were likely to be reimbursed by the tolls?

Sir BENJAMIN HALL said, he quite agreed with the hon. Gentleman in reference to the fallacy observable in these estimates. He thought it his duty to inquire into the whole of that case, and he had laid before the House, in as clear a manner as possible, all the correspondence which had passed upon the subject. The number of estimates for that work had been correctly stated by the hon. Gentleman, but in justice to himself he (Sir B. Hall) had to observe that they had been furnished before he had been appointed to his present office. He was anxious to reduce the expenditure in all such matters within definite limits, so that the House might be aware from the commencement what was the cost they should have to defray. The sum already paid for work done with regard to the Chelsea Bridge was £59,762; and there remained to be paid £33,003 under one head, and £1,500 under another head; so that the total expenditure would be £94,265. Of that sum £70,500 had been already voted by the House; and he had every reason to believe that the Vote of £24,000 then under the consideration of the Committee would suffice for the completion of the work.

Mr. BENTINCK said, he did not think that this was a time for taxing the community at large for the purpose of mere local improvements. He thought that the Committee should not assent to this Vote unless they had a distinct assurance that the tolls of this bridge would be sufficient to reimburse the country for the outlay proposed to be made. There was another point to be considered. They had recently a proposal submitted to the House for doing away with the tolls generally in the Metropolis. If they were to vote this money he hoped it would be upon the distinct pledge from the Government that at no time, or under no circumstances, should an attempt be made to do away with these tolls. He hoped that they would receive this assurance.

Lord JOHN MANNERS remarked, that he thought that the difference between estimates and the actual cost, which was not unusual in these cases, was susceptible of explanation without casting any blame on the professional gentlemen who had originally prepared the estimates. An estimate was called for and it was calculated at the current price of labour and materials. Something occurred which prevented the work being immediately carried out, and in the interval the prices of labour and materials increased; the landowners, too, finding that the neighbourhood was likely to be benefited, raised the price of their land, and thus it became impossible to complete the work for the original sum named.

Sir DENHAM NORREYS observed, that he differed from the noble Lord as to the care alleged to be bestowed on those estimates. He thought, on the contrary, that the way in which those estimates were framed betrayed a great ignorance on the subject.

Sir WILLIAM JOLLIFFE said, the question of tolls raised was an important matter to be considered as regarded the metropolitan bridges. The proposed bridge was being built between two toll bridges, which were the result of private enterprise. The Government had some short time ago entertained the proposition that this bridge should be a toll-free bridge. If that were to be the case he could not view their conduct in any other light than as an infringement on the understanding that those works of private enterprise should not be interfered with. This bridge, if it were to be toll free, would have the effect of ruining the other bridges built by private enterprise. If the Government wanted to carry out the principle of toll-free bridges they should first pay off the debts due by the toll-paying bridges, and then open them all to the public.

Mr. BRADY said, that this was a question in which the people of the Metropolis took a great interest. He had given the subject for some years much consideration, and had reason to know that the proposed toll on Chelsea Bridge had created great dissatisfaction. If the Committee were to know how much the tolls on bridges depreciated the neighbouring property and affected the health and welfare of the community at large, he was sure that they would not sanction any Government bringing forward a proposition to build a bridge, and then to tax the people that passed thereon. A greater mistake he believed was never made. At that moment great dissatisfaction was felt at the conduct of the First Lord of the Treasury, who, having promised that he would do his best to carry out a measure to relieve the passengers at the south end of the Metropolis from paying tolls, had subsequently given the weight of his authority in favour of an opposite principle. He (Mr. Brady) would oppose this grant, because no promise had been given that the bridge would ultimately become a free bridge.

Lord CLAUD HAMILTON remarked, that the Committee should be in possession of the evidence of the Committee that had been recently sitting upon this question before they decided upon this Vote. The right hon. Baronet appeared to favour the proposition of building a bridge, and of depriving the public of any chance of the repayment of the money. The Government had agreed to the appointment of a Committee to discuss this matter. The evidence brought before it against the proposition of a toll-free bridge was so strong that the Government withdrew their Bill. Before the Government asked for another grant for this bridge, he thought that the Committee should have the details of the evidence before them. They had received no pledge from the Government that they intended to carry out the recommendations contained in the Report of the Committee, the substance of which was that faith should be kept with the public on this question. He hoped that before they pressed this Vote the Government would state whether they meant to abide by the original terms.

Sir BENJAMIN HALL said, what took place in the Committee referred to by the noble Lord was this:—A Bill had been introduced by the Government not to abolish tolls, but to abolish that portion of the tolls that were levied on foot passengers crossing the bridge. That Bill was referred to a Select Committee, who had heard evidence on the subject. The first question raised before the Committee was this, whether, if the passengers' toll were taken off, the value of property would not be so increased as to make it advisable to abolish the tolls altogether? The Committee did not think that they had any proof of such a result, and they, therefore, did not think it advisable to recommend that the toll should be taken off. Of course under such circumstances it could not be the intention of the Government to deviate from the original understanding, which was this—that tolls should be taken on the bridge when it was finished. No income could accrue from the bridge for the purpose of defraying its primary cost until it was complete and opened for traffic, and it was for the purpose of completing it that this Vote of £24,000 was asked.

Sir HENRY WILLOUGHBY said, any doubt as to the intentions of the Governors had arisen solely from their own conduct; as they had been guilty of the inconsistency of asking for so much money for the building of this bridge, and at the same time entertaining an application to get rid of those tolls. He wished to know what new light had been shed upon the Government to induce them to change their opinion upon the subject? Would the Government stick to the principle of the toll?

Sir BENJAMIN HALL said, the Committee had decided that no alteration whatever ought to take place in the Act. It was not, therefore, his intention to propose any measure for the abolition of the tolls after that decision.

Mr. INGRAM expressed a wish to make one or two remarks upon the important question involved in the proposed Vote. The hon. Baronet opposite (Sir H. Willoughby) wished the Government to pledge themselves that those bridge tolls should be kept up. He (Mr. Ingram) hoped that Her Majesty's Ministers had too much regard for the interests of the people, as well as those of property generally, to give any such assurance. They should recollect that there was a large surplus amount of land adjoining the new Battersea Park which was to be disposed of. If the Government were to establish a toll upon this bridge they might rest assured that they would be unable to sell the land in question to any advantage. If, on the other hand, they made this bridge toll-free, he was satisfied that that property would be sold at a price amply sufficient to meet the cost of the bridge. What miserable economy was it for the Government to make a park and build a bridge, apparently for the convenience of the poorer classes on the northern side of the river, and then to place a toll upon the bridge, which would have the effect of depriving the public of many of its advantages, and of depreciating the property in its neighbourhood! He hoped that the Committee would not countenance such short-sighted economy as this, or allow the Government to adopt so mischievous a course.

Mr. TITE said, he had been a member of the Select Committee. The excess in the estimate was partly owing to the failure of two contractors. As to the tolls, from the evidence taken by the Committee it appeared that £6,000 a year would be produced by the tolls, which would give a fair interest upon the original outlay. It was then suggested that if the foot-toll were removed an income of £3,000 a year would still accrue, and that this, together with the increased value of the surplus land at Battersea Park, would be sufficient to recoup the country. The proof was not very distinct as to the value of the land, or the amount of carriage toll—and the majority of the Committee agreed that it had not been shown that the country would be repaid the money spent for the bridge unless there was a toll. He thought they would, but he was in a minority. He concurred in what his hon. Friend the Member for Boston (Mr. Ingram) had said in respect to the injury that would be done to property and inconvenience to the public generally, by making this a toll bridge. He regretted that the population of 60,000 residing in the parish of Chelsea, who would be greatly benefited by being enabled to cross over into the Park with their children, could not now do so except on payment of a foot-toll. He understood, however, that the matter was settled, and that the bridge must be opened as a toll-paying bridge. Suggestions had, however, been made that the bridge might be thrown open by means of the Metropolitan Board or of a railway company whose terminus it was expected would be brought there. As to the Vote now before the Committee, the bridge must be finished, and there was therefore no alternative but to grant the money asked for.

Mr. CLIFFORD said, he was in a minority on the question of toll in the Committee, but he agreed with the majority that localities ought to pay for local improvements. What he wanted, however, to impress on the Committee was that some of the Select Committee were actuated in their decision by the arguments of counsel, who appeared for the vested interests of Battersea and Vauxhall bridges; for these arguments were most puerile.

Mr. P. O'BRIEN, as a member of the Committee, said, that the Committee had come to the determination of supporting the views of the right hon. Baronet opposite from no regard to the interests of Battersea Bridge or Vauxhall Bridge. They considered that when a question of this character was presented to them, they were bound to look to the circumstance of the original Vote taken for this bridge, and to see whether faith was kept with the public and the country which paid for it; and they thought that they could not take away the tolls which were to repay the public outlay. When the question of Battersea Park was brought before the House, they were told that a large sum of money would be created by means of improvements on the Surrey side, and on that assurance the money for that Park was voted. He thought that local improvements out to be carried out by localities themselves.

Sir WILLIAM JOLLIFFE said, he must disclaim being an advocate of tolls on the metropolitan bridges, as he thought there could be no more objectionable mode of raising money.

Mr. PLATT said, that the public money was contributed from all parts of the country, and in the case of Battersea Park and the bridge it was spent on local objects. If they were to spend the public money in that manner, it should be done on some equitable principle. Now, there were many towns in the north where parks were required, and he should have no objection to see grants of public money for parks all over the country.

In reply to Mr. Lygon,

Sir BENJAMIN HALL said, the bridge would be open before the end of the year.

Vote *agreed to.*

Mr. W. WILLIAMS moved that the Chairman do report progress.

The CHANCELLOR of the EXCHEQUER hoped the hon. Gentleman and the Committee would allow the two remaining Votes to be taken, although he admitted the hour was somewhat late. There were still the Militia Estimates and the Vote for the Ordnance Survey to be taken besides, which he proposed to take in Committee of Supply at six o'clock to-morrow. The principal Vote that remained was that for the Public Offices, and he could state that he proposed not to ask the Committee to agree to the entire amount of the Vote. He had stated in the beginning of the Session that he proposed to ask £80,000 to complete the purchase of land for public offices, for which the House was engaged under a recent statute. Since then a Bill had been introduced to enable the Government to purchase additional land. He would, however, confine the Vote to £80,000, and that would render it unnecessary to proceed with that Bill. All he asked was that the Committee would consider the 47th Vote as it stood.

MR. DISRAELI: It would be convenient to the Committee to know what business will be taken at six o'clock to-morrow. According to previous arrangements the Divorce Bill was to be taken to-morrow.

THE CHANCELLOR OF THE EXCHEQUER: To-morrow at six o'clock we propose to take Supply; and, if there is time we will go on with the Divorce Bill afterwards.

MR. DISRAELI: With reference to the Vote for the Militia, I beg to give notice that I shall take that opportunity of making an inquiry of the noble Lord at the head of the Government respecting the late transactions which have occurred at Constantinople on the subject of the Danubian Principalities.

MR. PACKE: The House has now been sitting nine hours, and as the two next Votes will cause much discussion, I hope the Government will agree to the Motion for reporting progress.

MR. DRUMMOND: There was a distinct understanding repeated over and over again by the hon. and learned Attorney General that at six o'clock to-morrow we should proceed with the Divorce Bill.

MR. GLADSTONE: I should like to know whether the Chancellor of the Exchequer spoke just now in ignorance of the arrangement which has been made?

THE CHANCELLOR OF THE EXCHEQUER: Oh, no!

MR. GLADSTONE: It is most inconvenient that arrangements of this kind should be made and then broken up. There is a large number of hon. Members waiting in town on account of the Divorce Bill.

LORD JOHN MANNERS: When will the Divorce Bill be taken?

The Chancellor of the Exchequer

THE CHANCELLOR OF THE EXCHEQUER: On Thursday.

MR. BENTINCK: There ought to be some explanation of the extraordinary conduct of the Government. It was distinctly understood that the Divorce Bill would come on at six o'clock to-morrow, and I appeal to the House as to whether it is customary to make such alterations in the arrangements of the business of the House after an understanding has been come to with regard to them?

THE CHANCELLOR OF THE EXCHEQUER: It is quite usual at the end of the Session. I had hoped to have finished Supply to-night, but it has occupied much longer time than was expected.

MR. COX: Do the Government mean to proceed with the Divorce Bill at all after this announcement?

THE CHAIRMAN: I must remind hon. Gentlemen that it is quite irregular to discuss the business of the House on this Motion. The question is, that I report progress, and ask leave to sit again.

MR. DRUMMOND: Then we will object to your reporting progress until we have an explanation from the Attorney General. This is a most gross breach of faith.

SIR JOHN PAKINGTON asked the noble Lord to give him Friday morning next, in redemption of a promise to afford him an opportunity of bringing before the House a Motion of which he had given notice. He had no reason to think it would occupy much time.

VISCOUNT PALMERSTON said, he was afraid to promise. If progress were made in the business before the House, perhaps he might give the hon. Baronet Friday morning.

MR. DRUMMOND asked, when the noble Lord meant to bring on the Divorce Bill?

SIR GEORGE GREY said, at twelve o'clock, and again at six o'clock on Thursday.

LORD JOHN MANNERS observed, he hoped that it was not the determination of the Government to go on with that Bill the whole day.

SIR WILLIAM JOLLIFFE asked whether it was at twelve o'clock, or at six?

Several hon. MEMBERS answered, "both at twelve and six."

Motion *agreed to.* House resumed. Resolutions to be reported *To-morrow.* Committee to sit again *To-morrow.*

ECCLESIASTICAL COMMISSIONS BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. LOCKE KING moved that it be read a third time that day three months because it did away with the Act of 1830, and gave back the management of estates to archbishops and bishops, and made their incomes fluctuating instead of fixed.

Mr. CAIRD seconded the Amendment. As he understood the Bill, it would reverse the principle laid down by the Secretary for the Home Department in 1850, that the bishops should have fixed instead of fluctuating incomes. Any man practically acquainted with landed property knew that that species of property was one of the most fluctuating in value, and therefore the framers of this Bill, in proposing that, with the view of giving fixed incomes to the bishops, certain land should be assigned to them, could not be aware of the difficulty that they were creating with regard to those incomes. Who was to manage this church property, part of which was to be assigned to the bishops, the other part being retained in the hands of the Ecclesiastical Commissioners? It was manifest that as many of the estates attached to the sees would be larger than were required for the purpose, outlying portions would be left which must be managed at a great expense by a separate agency. Then, prelates of advanced age were not likely to manage property to the best advantage, especially seeing they would have a natural disposition not to develope its value in such a way as might lead to the extent of the landed property of the Church being diminished in the hands of their successors. Then it was proposed that the episcopal estates were still to remain under the supervision of the Ecclesiastical Commission. That being so, there would be a double system of land agency established at a double expense; and he thought, therefore, that it would be much better to leave the entire management of the estates in the hands of the Commissioners. He thought, moreover, that the Bill would lead to a deterioration of the property to be assigned to the bishops. When he saw how much good had been achieved under the present system he should regret a reversion to the old system. He found that, besides paying fixed incomes to the bishops, the Ecclesiastical Commission had augmented 876 benefices, endowed 249 new district churches, affording an annual income to those churches of £81,000, and given £18,000 a year to Queen Anne's Bounty for the building of parsonage houses; so that a surplus of nearly £100,000 a year had been gained over and above the fixed incomes of the bishops, for the purpose of extending the spiritual provision over a great extent of this country to a population of about 3,250,000.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day three months."

Sir GEORGE GREY observed, that he thought the mover and seconder of the Amendment misunderstood the object of the Bill. It would not reverse the policy by which the bishops' incomes had been fixed. Its object was to give greater effect to the intention of Parliament that those incomes should be fixed. The hon. Gentleman who spoke last seemed to assume that the whole of the bishops' incomes were in the hands of the Ecclesiastical Commissioners, but that was not the case. They were at present in the hands of the bishops who paid over the surplus to the Commissioners after deducting a certain income; but the Bill would transfer to the Commissioners all those portions of land in the hands of the archbishops and bishops, except such as were required to produce the fixed incomes sanctioned by Parliament. There could be no doubt that great variations might take place in the value of the landed property in the hands of the bishops, and that was the reason of the insertion of the clause as to inspection of the land by the Ecclesiastical Commissioners. He might remind the House that the Bill was founded upon the Report of a Committee of last Session, of which his noble Friend the Member for the City of London was chairman, and it was referred to a Select Committee after the Second Reading, in order that it might be ascertained how far it would effectuate the recommendations of the Committee of last Session. Under these circumstances he hoped the House would consent to the Third Reading.

Mr. BRISCOE said, he would urge the postponement of the Bill till next Session, on the ground that hon. Members had not had sufficient time to consider it.

Sir JOHN PAKINGTON said, the Bill had been before Parliament a long time and had been referred to a Select Committee, and therefore hon. Gentlemen had had ample opportunities of becoming acquainted with the provisions of it.

Mr. AYRTON said, he regretted that the Bill had not received more attention, and also that he had on a previous occasion missed an opportunity of moving an Amendment, which he was afraid it was now too late to press.

Mr. HADFIELD said, he thought the debate ought to be adjourned.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

DULWICH COLLEGE BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. KNIGHT said, he rose to complain of the treatment which the Select Committee that had been appointed to inquire into this Bill had received. Upon one very important question the Committee had arrived at a decision by a majority of eight to three, that question being to alter the agreement with the Charity Commissioners. The Bill stood on the paper for Thursday last, and as he wished to make some alteration in Committee he had spoken on the subject to the right hon. Gentleman who had charge of the Bill. That right hon. Gentleman had told him that he did not think that it would come on that night, and he had induced him to put his intended alteration upon the paper. There was, he confessed, no agreement that the Bill should not come on that night, but the right hon. Gentleman had told him that he did not think that it would. He had, therefore, been much surprised to find out afterwards that the Bill had come on, and, by means of a private whip conducted by the fellows of the college, the decision at which the Select Committee had arrived had been overruled. Now, it was the general custom of that House to support their Select Committees, and certainly Select Committees would be useless if their decisions were to be *bouleversé* in the way in which the decisions of this Select Committee had been. In justice, therefore, to the Members of that Committee, and in order that they might have an opportunity of discussing the clauses, he begged to move that the order for the third reading of the Bill be discharged with a view to the re-committal of the Bill.

Mr. COX seconded the Motion. He had been in the House on Tuesday morning when the Bill was called on, but he never expected that it would be proceeded with. Some whispering, however, took place at the table, and he had been much surprised to find afterwards that the result of that whispering had been to raise the salaries which had been proposed by the Select Committee very considerably. Thus, the salary of £760 to the master had been increased to £1,015; £570 a year to the warden, to £855; £236 for the two senior fellows, to £500; £196 to the third and fourth fellows, to £466; and as he objected most strongly to the appropriation of large sums of money in such a manner, he certainly should support the Motion.

Amendment proposed, to leave out from the words "That the" to the end of the Question, in order to add the words "said Order be discharged," instead thereof.

Mr. BAINES said, he wished to state in a few words what had really taken place with regard to this subject. The hon. Member for Worcestershire (Mr. Knight) was mistaken in supposing that he had told him that the Bill would not come on on Thursday evening; what he had stated was, that it would not come on till late, and he had advised him to put his alteration upon the paper with the view of bringing it on at a subsequent stage of the Bill. Now, what were the facts of the case? Certain gentlemen derived certain emoluments from the College at Dulwich to which they were as much entitled as any gentleman was to his own estates. The present Bill abolished the offices held by those gentlemen, and it was clear that the only fair compensation which could be made to them was to pay them the full amount of the salaries which they had been receiving. That was the view taken by the Charity Commissioners, by the House of Lords, and by that House on Friday morning last, when the Bill passed through Committee. The hon. and learned Member for Wallingford (Mr. Malins) moved that these allowances be restored on the ground that an express compact had been entered into between the officers of the College and the Charity Commissioners in virtue of which the former had consented to waive their opposition to the Bill. It also appeared that by this bargain the master, warden, and fellows only received the exact value of their interest taken at the present moment without a farthing of profit. It appeared to be the opinion of one or two hon. Members who spoke that such an arrangement was perfectly fair, and he was also convinced that no injustice would be done in adopting the terms now restored to the Bill. The compact with the Charity Commissioners would not be binding on Parliament, but it was clear that the Bill would never have been agreed to by the officers of the college, unless they were to receive the value of their interest in their offices. He trusted he had now vindicated his own conduct. He said he would bring the Bill forward if possible on the night in question, and he trusted after this explanation that the House would consent to the Motion he now made, that the Bill be read a third time.

MR. MALINS said, he did not think his hon. Friend (Mr. Knight) had any just ground of complaint against the course which had been taken the other night by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. Baines), or that that right hon. Gentleman had any intention of smuggling the Bill through the House. The master, warden, and fellows of the college made a compact with the Charity Commissioners. Those who opposed them went before a Committee of the House of Lords, and the Committee decided against them. In 1857 the Bill was again brought into the House of Lords, and the House of Lords had recognised the claim of these officers to the compensation now given to them by the Bill, and he had satisfied the right hon. Gentleman (Mr. Baines) that either the bargain must be fulfilled or the Bill withdrawn.

MR. LYGON said, he could very well understand why the master, warden and fellows had received this Bill so willingly, because it continued their allowances at a maximum rate, it gave them large compensations of £300 and upwards, in lieu of residence, &c., at college, and it released them from residence, celibacy, and the inability to take other preferment. The officers of the college had been bribed by these enormous pensions, but the Bill had not yet received the full consideration to which it was entitled.

MR. HEADLAM said, the scheme had been fully considered in Committee when he had voted for the salaries which now stood in the Bill. He believed that it would be a great injustice to pass this measure unless the House ratified the compact with the Charity Commissioners. He thought also that scheme, if carried out, would be most beneficial to all parties.

MR. HENLEY said, he had, on Thursday night, protested against the Bill being proceeded with at so late an hour as between one and two o'clock. The very unusual course had then been taken of reversing a decision of the Select Committee on the subject of compensation, without any notice of that change having appeared on the papers. He gave no opinion on the question of the amount of compensation, but he thought the example set in reversing a decision of a Select Committee without notice was a very bad one; and he trusted that in future the Chairman of Committees would object to allow such a course to be taken. His opinion rather was that the change made in the Bill was a good one; but that did not justify the course taken on Thursday.

MR. GREER said, he thought the best course which the House could adopt would be to assent to the recommitment of the Bill, inasmuch as the House had been in some measure taken by surprise, and the merits of the subject with which it dealt had not been fully discussed.

MR. JOHN LOCKE said, if the Bill were recommitted the probability was that the Bill would not pass this Session. This matter had been in agitation for fifteen years, but it had been thrown over from time to time, and if the Bill were recommitted it would be thrown over again; such a result would be much to be regretted as he thought that the arrangement which the Bill proposed to carry into effect must be regarded as one of an advantageous character.

MR. W. WILLIAMS, while disapproving of the course that had been taken on Thursday, would support the Bill, feeling that it was most important it should pass this Session.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 63; Noes 36: Majority 27.

Question again proposed.

MR. KNIGHT said, he must renew his protest against the Bill as it stood, as calculated to perpetrate one of the grossest acts of plunder in the case of a charity for the poor which had for many years been committed. The master, warden, and fellows had been for years fattening on what they had plundered from the poor, and they were now about to reward them for so doing. To give the House an idea of the way in which the funds of the charity were perverted and dissipated by the master, warden, and fellows, he begged to call attention to a statement given in evidence before the Select Committee on the part of the Rev. Charles Howes, First Fellow of the College, of the income and advantages he derived from his position there, from which it appeared, on the showing of that gentleman himself, that he had among other luxuries, "two good sitting rooms, two good bed rooms, rent free, and kept in good order and repair by the college, and well situated in every particular ; full board, breakfast, lunch, dinner, &c., and every refreshment called for, including wine." He had also the "attendance of a butler, footman, and housemaid, services of cook and under cook, plate, and dinner linen, &c., all kept in good order and supplied freely when wanted." Coals and candles he had likewise to any extent wanted, and his rates and taxes were paid by the College. Why, John Sadlier had the decency to go and hang himself rather than boast of the enormous sums of money he had been receiving from the unfortunate shareholders of the Tipperary Bank. He (Mr. Knight) knew it was perfectly useless further to oppose this gross iniquity on the part of the master, warden, and fellows. He had opposed it to the best of his ability, and he now gave way with a feeling of shame that so scandalous a system should have been for a moment tolerated by an English House of Commons.

MR. COX said, he for one would not give way if the hon. Gentleman who had last spoken chose to do so, and he would therefore move the adjournment of the debate.

Motion made, and Question put, "That the debate be now adjourned."

The House *divided* :—Ayes 21 ; Noes 57 : Majority 36.

Question again proposed.

MR. LYGON said, he was so strongly opposed to the Bill that he felt himself justified in moving the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

SIR G. GREY said, he could not see what the object of an adjournment could be. No Amendment could now be made in the Bill, and the House was quite competent to say whether it should pass.

MR. LYGON said, he should persevere with his Motion.

VISCOUNT PALMERSTON said, that was a very inconvenient mode of proceeding; but if the hon. Gentleman (Mr. Lygon) liked it, the Members of the Government would stay in their places as long as the hon. Gentleman pleased. The House was competent to say "aye" or "no" to the Motion for the third reading of the Bill, and, until that was done, there the Members of the Government were and there they would stay.

MR. MALINS said, these attempts to oppose the further progress of the Bill by dividing the House on Motions for adjournment, first of the debate and then of the House itself, were unconstitutional and detrimental to the dignity of Parliament for a small minority to attempt to override the sense of the House in that manner.

MR. COX said, in making the Motion for the adjournment of the debate he had but followed the example which the hon. and learned Member for Wallingford (Mr. Malins) himself had set him on another occasion, when it suited his purpose to have recourse to it a few nights ago.

MR. LYGON said, he would withdraw his Motion in deference to the wish of a majority of the House. The hon. and learned Member for Wallingford (Mr. Malins) had hinted that such a Motion was unconstitutional ; be that as it might, he (Mr. Lygon) thought nothing could be more unconstitutional than the way in which this Bill had been smuggled through the House.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to* :— Bill read 3° and *passed*, with Amendments.

BANKING BILL.

Motion, that the Lords' Amendments be agreed to, read.

MR. NICOLL said, he wished, after the noble Lord's threat, to know whether all the business of the House was to be passed through in dumb show. To test that he should move that the House adjourn.

VISCOUNT PALMERSTON said, it was quite impossible that the Session could ever be terminated if they were not allowed to despatch the necessary business.

Motion *negatived.*

Lords' Amendments *agreed to.*

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, August 11, 1857.

Minutes.] Public Bills. — 1ª Ecclesiastical Commission.

2ª New Zealand Loan Guarantee; New Zealand Company's Claims; New Zealand Government Act Amendment.

3ª Militia; Court of Session (Scotland); General Board of Health Continuance; Attornies and Solicitors (Colonial Courts); Illicit Distillation (Ireland); Loan Societies; Burial Grounds (Scotland) Act (1855) Amendment; Summary Proceedings before Justices of the Peace; Jurisdiction in Siam.

THE LAW COURT COMMISSION— JUDICIAL ARRANGEMENTS.

QUESTION.

Lord CAMPBELL wished to put a question to his noble and learned Friend on the woolsack respecting the Report of the Commissioners appointed by Her Majesty to inquire whether the number of Judges should be diminished, and what arrangements ought to be made respecting judicial business in town and on circuit. He believed the Commissioners had presented their Report some days ago, and he wished to know when it was likely to be laid before Parliament. Legislation on the subject during the present Session was, of course, wholly out of the question, but it was important that the public mind should be disabused of some of the unfounded notions which had obtained currency. A right hon. Gentleman, for whom he had a sincere respect, acting no doubt upon what he believed to be authentic information, had again and again maintained that the Judges were little better than sinecurists, that they had nothing to do, and that their number might be diminished with advantage. Having had the honour to be a member of the Commission he (Lord Campbell) could say that the subject had received most deliberate and earnest investigation. The Commission had the advantage of two lay members, Sir John Pakington and Mr. Wilson Patten, to whose labours the public were infinitely indebted; and, after a most laborious investigation, they came to the unanimous resolution that the number of Judges could not be diminished without prejudice to the interest of the country. The number of superior Courts was now the same as in the reign of Edward I., but the number of Judges had been increased by three at the time that Wales was added to the jurisdiction of the English Judges. It was true that the County Courts had taken away a good deal of unimportant business which occupied but a small portion of the time of the superior Courts; but since the establishment of the County Courts a number of Acts had been passed which greatly increased the onerous business which the common law Judges were required to transact. The Commissioners were of opinion that those Judges had now as much to do, if not more, than before the number of Judges was increased. His noble and learned Friend on the woolsack had been very severely blamed for advising Her Majesty to appoint puisne Judges when vacancies occurred; but in his (Lord Campbell's) opinion, if his noble and learned Friend had not given such advice he would have failed in the performance of his duty, for such vacancies could not have existed without serious detriment to the public interests. Many of his learned friends at the bar were much interested in the arrangement of the circuits, and that was an additional reason for the production of the Report with as little delay as possible. Some of those learned gentlemen might feel annoyed at the arrangements proposed; but the Commissioners had done all they could, consistly with the interests of the public, to obviate private inconvenience. It was desirable that the decision of the Commissioners should be made known in an authentic manner as soon as possible, and he therefore begged to ask his noble and learned Friend whether he had received the Report, and when it was likely to be laid upon the table?

The LORD CHANCELLOR said, that although he was very glad this question had been put, he would have been able to give a more decisive answer, if he had had notice of his noble and learned Friend's intention to make the inquiry, because the Commission was not one issued under the Great Seal, but under the sign manual, and the Report was consequently made, not to him, but to the Secretary of State. He knew the Report of the Commission was in the hands of the Secretary of State, but he (the Lord Chancellor) had not seen it officially, and he was therefore unable to give a distinct answer to his noble and learned Friend's question. He agreed, however, with his noble and learned Friend that it was essential that at the earliest moment—if possible before the separation of Parliament—the Report should be laid upon the table. He should have occasion to see the Secretary of State to-morrow, and he would then, no doubt, be able to ascertain when the Report was likely to be presented. He was glad his noble and learned Friend had called attention to this subject, because the only point upon which he felt some justification might be necessary was with regard to the issuing of such a Commission at all. The Commission was issued, not because the Government thought there was any necessity for it, but because, after the expressions of opinion from persons of high authority, the Government thought it desirable that the matter should be fully investigated. He rejoiced to hear that the conclusion at which the Commissioners had arrived was that which he had himself formed—that there was not the least pretence for a diminution of the number of Judges. He had the honour for eleven years of filling the office of puisne Judge; and he could say that although the labours of those Judges might not be quite so arduous as those of the Chief Justices, yet from the 1st of November to the commencement of the long vacation their time was fully occupied. People were mistaken if they supposed that because the Judges were not actually sitting in court they were therefore unoccupied. There were judgments to be prepared; there was attendance in Chambers; there were various official duties to be performed; and, in fact, the time of a Judge was fully occupied for at least nine months in the year. His noble and learned Friend had adverted to the recommendation he (the Lord Chancellor) had made to Her Majesty to appoint Judges to fill up the vacancies as they occurred. It had been said that such a course was improper pending the inquiry of the Commission. He found, however, that if the vacancies were not filled up it would have been necessary for him to take a course which he knew would have occasioned great dissatisfaction in the provinces—namely, to appoint deputies to peform the duties of Judges *pro hâc vice*, because the diminished number of Judges could not possibly have got through the business of the circuits. He had, therefore, thinking himself that there was no superabundance of Judges, and anticipating what he thought would be the opinion of the Commissioners, felt it his duty to act upon his belief, and to recommend the appointment of Judges to supply the vacancies which had occurred. He was sensible of the responsibility of recommending such appointments, and he was glad his noble and learned Friend approved the course which he had pursued. It would be the duty of the Government immediately to frame measures to carry out, he would not say all the recommendations of the Commissioners, but such portions of them as it seemed desirable to carry into effect, and such measures would be introduced at the very earliest period of the next Session.

SALE OF POISONS.

LORD CAMPBELL asked the Lord President of the Council what the Government intended to do in reference to the Bill relative to the improper sale of poisons? The Bill had been referred to a Select Committee, who laboriously investigated the subject, and obtained important information, founded on which certain Amendments had been introduced into the Bill. He wished to know whether the noble Earl intended to proceed with the Bill during the present Session, or whether it would stand over for consideration until the next Session.

EARL GRANVILLE said, that the Select Committee had given most patient attention to the question, and had heard a great deal of evidence; they had in consequence amended the Bill in various particulars, and had returned it to the House expressing their opinion that it was most desirable that legislation should take place on the subject. It would, however, be useless to attempt to proceed with it at that period of the Session, and he thought some advantage would be gained by the Bill being printed and circulated in the country during the recess.

NEW ZEALAND LOAN GUARANTEE BILL.
NEW ZEALAND COMPANY'S CLAIMS BILL.
NEW ZEALAND GOVERNMENT ACT AMENDMENT BILL.

SECOND READING.

LORD STANLEY OF ALDERLEY *moved* to resolve

"That as regards the said Bills, they are all connected one with the other, and the two latter are Money Bills, and as regards the colony, Bills of Aid or Supply; and it appears that the said Bills were unavoidably delayed in coming to this House in consequence of the necessity of communicating with certain Members of the New Zealand Legislature, and from the late period at which the Select Committee to which these Bills were referred reported upon them to the other House of Parliament; and as great inconvenience would arise to that distant colony if legislation was postponed till another year, the circumstances which render legislation on the subject matter of the said Bills expedient are in the opinion of this House of such urgency as to render the immediate consideration of the same necessary."

LORD REDESDALE said, he should make no objection.

Motion *agreed to;* Bills read 2ª according to Order; and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned at Six o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, August 11, 1857.

MINUTES.] NEW MEMBERS SWORN—for Great Yarmouth, John Mellor, Esq., and Adolphus William Young, esq.

1° Charitable Trusts Act Continuance.

2° Parochial Schoolmasters (Scotland); Crowded Dwelling, Prevention.

3° Pimlico Improvements; Police (Scotland.)

PROBATES AND LETTERS OF ADMINISTRATION BILL.—CONSIDERATION.

Order for the consideration of the Bill, as amended, read.

MR. WESTHEAD moved a clause in lieu of Clause 91, providing for the transfer of all documents and papers to the District Court of Probates.

Clause *brought up,* and read 1°.

Motion made and Question proposed, "That the said clause be now read 2°."

THE ATTORNEY GENERAL said, he must oppose the clause. He had no objection to send the documents to the District Court of Probate when established —it would be absurd to send them anywhere else. But he preferred the 91st clause as it stood, agreeing in principle with the hon. Member, that the documents ought to be left with the Registrar when the Court was established. He hoped the hon. Member would be satisfied with this assurance.

MR. WESTHEAD said, that he was satisfied, provided a verbal alteration be introduced into the 91st clause, rendering the necessity of transmission to the Registrar more stringent.

THE ATTORNEY GENERAL said, he should have great pleasure in assenting to such an Amendment.

Motion and Clause by leave *withdrawn.*

MR. WESTHEAD then moved a clause, granting compensation to advocates practising in the Courts of the Province of York and diocese of Ripon, such compensation to be in amount equal to half the profits made by such advocate, as determined by the average of the last five years.

Clause *brought up,* and read 1°.

THE ATTORNEY GENERAL said, he could not agree to the proposition. The line of compensation had been laid down to its extremest limit, and he would not consent to go a step further. The proposition of compensating counsel was unheard of, and could not be entertained. The profession of an advocate was supposed to be honorary.

MR. WESTHEAD said, that he had no interest in the matter beyond protecting the interests of his constituents, and he had therefore thought it right that the claims of the advocates should be brought before the House. The case of the advocates in the Prerogative Court of York was very peculiar. There were but four of them, and they had an exclusive right of audience, although the great advocates from the other Provinces were admitted to plead on great occasions. Considering how tenderly they had dealt with the Registrars, whose offices were sinecures, and who had been appointed when in the cradle—considering all these and so many others were compensated—he thought that the advocates had a fair claim.

Motion made and Question "That the said clause be now read 2°," put, and *negatived.*

MR. AYRTON said, he now rose to move a clause to the effect that every person to whom any compensation shall be granted under this Act shall at all times, when called upon, be liable to fill any public office or situation in England under the Crown for which his previous services in any office abolished by this Act may render him eligible; and that if he shall decline, when called upon so to do, to take upon himself such office or situation, and execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to any compensation or allowances which may have been granted to him in respect of such previous services, under sec. 19, 4 & 5 *Will.* IV., cap. 24. His object was simply to make the provisions of the general statute applicable to the present Bill, which they would not be without some such clause as the one he proposed.

THE ATTORNEY GENERAL said, that he was ready to admit that the principle of the statute was a salutary one, but it would be for the House to decide whether the provisions of the statute applied. He did not understand the statute to apply to compensation granted for what might be called valuable consideration, but only to pensions which were given as it were out of gratitude for past services. By this Bill, however, the compensation was, in almost every instance, an act of pure liberality, and the case, therefore, might be said to come within the spirit of the Act. He did not feel himself at liberty to support the clause as he conceived himself to be under a compact to adhere to the compensation clauses of last year. For this reason he should leave the matter to the House to judge, without taking any further part in the discussion.

SIR JAMES GRAHAM said, he was responsible for the clause which he had introduced into the Superannuation Act. The very fact mentioned by the Attorney General, that the compensation was given as an act of liberality to those who had accepted office since 1839, only strengthened the proposition instead of weakening it. The principle of that proposition had been applied to the Superannuation Fund. It was on the principle of half-pay in the army—it was a retaining fee for future services. He thought that the principle was a sound one, and after the great liberality shown by the House in compensating those whose offices or emoluments were put an end to by this Bill, he should support the clause if it was pressed to a division.

MR. WIGRAM observed, that he thought the clause would be of very difficult application. They would not be able easily to ascertain whether the person discharged his duties satisfactorily. The instance of half-pay officers was different. There it was easy to say when duties were satisfactorily performed. He thought that this matter should be left to the Commissioners of the Treasury to decide.

MR. ROEBUCK said, he thought they were building a wall for the purpose of breaking their heads against it. He did not think that there would be much difficulty in respect of the working of the clause, but there was a difficulty of another kind. Who was to enforce the clause? They were told that Acts which had been passed for twenty-four years had become rusty—he supposed that in a short time this clause would equally become rusty. As he was always against a sham, he should, for this reason, oppose the clause proposed. They were trifling and wasting the public time. Next year he should call for a return showing how much we paid for this Bill, and to estimate the value of the benefit conferred upon the public by the hon. and learned Attorney General. For his part, he believed that if the matter had been left as it was, we should have been as well served and at less cost.

MR. HENLEY said, he agreed in the principle of the clause, but he must object to its wording. Some of those who were to receive compensation might be said to stand upon strict right—he meant those who had accepted office previously to the condition that they were not to be entitled to compensation if the offices were abolished, while others were compensated by the liberality of the House. Now, there was no distinction in respect to these two categories in the clause. Again, some of those compensated had held sinecure offices and had performed no previous services, and they, therefore, could not estimate those previous services which had no existence. He was, therefore, disposed to agree with the hon. Member for Sheffield (Mr. Roebuck) that this clause was a mere *brutum fulmen*, and that nothing would come out of it. He could not quite see what offices the persons in question would be fit for. They were not fit to be attorneys, and proctors were done away with. [MR. AYRTON: They would be fit for Registrars.] He thought that the present Registrars would fill up all the Registrarships under the new system.

MR. WILSON said, that there would be no difficulty in applying the clause, as the principle was applied in public offices which had been abolished, while he knew from his own official experience, that a great number of persons whose offices had been abolished had been brought back into other branches of the public service, and whose compensation had thus been saved to the public. It was true the difficulty was in finding fit employment for these officers, but he thought that in the present case they might be recalled in case of vacancies in the Registrar's office, and he should be very glad to see the principle retained.

MR. BECKETT DENISON said, he should support the clause on the same ground—that the officers might be recalled to fill the very offices they had already filled.

MR. SPOONER remarked, that the clause ought to be restricted to those who had taken office since the Act of 1839.

Clause twice read and *added* to the Bill.

SIR FITZROY KELLY said, he wished to call the attention of the Attorney General to the fact that by the Divorce Bill now before the House very important duties would be thrown upon the Judge of the Court of Probate. He, therefore, ought to be put upon an equal footing with the puisne Judges and the Vice Chancellors; and their ultimate salaries, as determined by the Government, should at once be put to the maximum.

THE ATTORNEY GENERAL said, it was his intention to bring up a clause to the effect that if the Judge of the Court of Probate should also become the Judge of the Court of Divorce and Matrimonial Causes he should be placed, with regard to salary, in the same position as the Judges of the Superior Courts of common law.

MR. HEADLAM moved in Clause 17, after the word "act," to insert the words "or where there is now no such Court, then the Registrar or Deputy Registrar (as the case may be) now executing in person the duties of Registrar of any such Court at any other place within the same diocese, if he shall be willing to accept the office, and."

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL said, the existing words of the Act might easily be altered to suit the case.

Amendment by leave *withdrawn.*

MR. HADFIELD said, he wished to move an Amendment to the 45th clause, having for its effect to permit attorneys and solicitors to practise in the Court of Admiralty and in divorce and matrimonial cases. They had given full compensation to those who had hitherto the monopoly of these courts, and yet they kept up the monopoly. The public had a strong interest in the admission of their professional advisers to all these courts.

THE ATTORNEY GENERAL said, that the Divorce Bill contained an express provision which threw the court open to solicitors. That clause had already passed the Committee in that House. He had no objection to the admission of the solicitors to the Court of Admiralty, and would consent that the clause should be amended by the insertion of the words "Court of Admiralty."

MR. HADFIELD said, he would agree to the suggestion of the hon. and learned Gentleman.

Amendment *made* accordingly.

MR. HADFIELD said, he now had to propose an Amendment for the purpose of substituting declarations or affirmations for affidavits. It had long been the policy of the House to reduce the number of oaths, and by this Bill they increased that number.

THE ATTORNEY GENERAL said, that the purpose might be carried out by inserting at the end of the clause, that, where the word affidavit occurred, it should include the words statutory declaration or solemn affirmation. This would save a multitude of alterations.

Amendment, by leave, *withdrawn*

THE ATTORNEY GENERAL said, in accordance with his suggestion, he would now move, at the end of Clause 49 to add the words—

> "Wherever an affidavit is required by this Act, a statutory declaration or solemn affirmation may be received in lieu thereof, where by law the same is now receivable."

Question proposed, "That those words be there added."

MR. MALINS said, he would remind the Attorney General that they were strictly judicial proceedings, with reference to which it was now intended to substitute a statutory declaration for an affidavit, and called on him to retain the greater solemnity attaching to an affidavit, and to withdraw the concession he had made to the hon. Member for Sheffield.

THE ATTORNEY GENERAL said, that perhaps it was advisable to withdraw his Amendment; but he would take care that the principle of substituting declarations for affidavits, wherever it was admissible by law, should be introduced into the rules and regulations of the Court of Probate, which would be printed with the Act.

Amendment, by leave, *withdrawn.*

SIR FITZROY KELLY then *moved* to add, after Clause 56, the following:—

> "And each Judge of County Courts, having jurisdiction under this Act, whose salary shall be less than £1,500 a year, shall be paid out of the Testamentary Fee Fund, in lieu of any fees for the business done by him under this Act, so much money annually as, together with his salary as a County Court Judge, shall amount to £1,500."

The additional duty which would devolve upon the County Court Judges would be very great, and, independently of this, many of them were in an invidious position, owing to special Acts or particular regulations. There were three or four in receipt of £1,500 a year in respect of these salaries. He could point out ten Judges or more who only received £1,200 a year, and who were fully equal in learning and merit to any one of the gentlemen in receipt of the larger salary, and who transacted in many instances a greater amount of business. This was not only invidious, but unjust. No kind of business would involve higher qualifications than the contentious business likely to be brought before the County Court Judges under this Act. They could not secure such good men at the lower as they could at the higher salary; and they should recollect that the County Court Judge was obliged to give up all practice in his profession.

Question proposed, "That those words be there added."

MR. WILSON said, he would not for a moment deny the high qualities of the County Court Judges, or the great services they rendered to the public; but he thought it was hardly right in the hon. and learned Gentleman to raise this question in that indirect manner, after it had been fully considered in the last Session of Parliament, and deliberately settled on a distinct Motion made in that House. Again, there was, in point of fact, no testamentary fee fund out of which the proposed addition to the salaries of the County Court Judges could come; and the result would be that the addition would fall as a direct charge either on the public revenue or the Consolidated Fund, and that could not be carried out without the consent of the Crown, and not even then unless the proposition had originated with a Resolution in Committee.

SIR FITZROY KELLY explained, that the addition to the clause, as he had proposed it, had been drawn with reference to a form of the Bill which had since been superseded; but he suggested that, with the permission of the House, the error might be cured by a verbal alteration.

MR. SPEAKER said, as the verbal alteration suggested by the hon. and learned Member presupposed the payment of fees under this Bill, for which it did not provide, and as the only fees to be taken under it would be in the shape of stamp duties, which would form part of the public revenue, it would not be competent for him to move such an alteration.

SIR FITZROY KELLY said, he would withdraw his Amendment, but at the same time he wished to intimate that he would take another opportunity of bringing the question again under the consideration of the House.

Sir Fitzroy Kelly

Amendment, by leave, *withdrawn.*

MR. SPOONER said, he would move an Amendment on Clause 99, the effect of which would be to provide for the payment of certain fees to the Registrars of County Courts for the additional duties which this Bill would devolve upon them.

Amendment proposed, in Clause 99, page 30, line 14, after the word "Probate" to leave out the words "or of any County Court."

Question proposed, "That the words proposed to be left out stand part of the Bill."

THE ATTORNEY GENERAL said, he had been in favour of the principle of the Amendment, but the Secretary of the Treasury had contended that the fees were to be paid to the Treasury.

MR. WILSON said, he must oppose the Amendment. It was quite understood last year, when the salaries of these registrars were increased, that they were to perform any further duties which might be placed upon them. This Amendment, like the one just proposed, could not then be put, as it interfered with the public revenue.

MR. MALINS contended, that the duties thrown on both the County Court Judges and the registrars, by the Bill, would be absolutely insignificant; and he would oppose any proposition to increase their emoluments on that ground, though he agreed with his hon. and learned Friend (Sir F. Kelly) that it was desirable to make an increase on other considerations. It was well known that there were not more than fifty contested will cases, on the average, in this country in a year; and, having regard to the number of the County Courts, the probability would be that each one of them, under the provisions of this Bill, would have to try a contested will case about once in three years.

SIR FITZROY KELLY replied, that it was impossible for his hon. and learned Friend (Mr. Malins) to say with any certainty whether the duties to be imposed upon County Court Judges by the Bill would be slight or otherwise, and that the House was legislating on that part of the Bill in the dark. But at all events it was altogether unfair to keep on heaping up fresh business upon those courts, while an increase of salaries to Judges and officers was steadfastly refused. He should therefore support the Amendment.

SIR HARRY VERNEY said, that if the duties were small, the fees would likewise be small.

Mr. BENTINCK said, he should support the Amendment. The Bill seemed, as it stood, to be a delusion; it gave money by one clause, which it took away by another.

Mr. AYRTON said, that the Amendment would involve payment partly by fees and partly by salaries. He thought the principle of the Secretary to the Treasury a sound one.

Mr. ADAMS denied that there had been any understanding that the officers of the County Courts should undertake additional duties without further payment.

Mr. WILSON said, he should ask that the Resolution which, upon the 3rd day of July last, was reported from the Committee on Probates and Letters of Administration (Stamps), and which was agreed to by the House, might be read, to show that it involved payment of their salaries by stamps, and therefore was brought under the category of the public revenue.

Resolution read, as follows :—

"*Resolved*, That the Fees payable to the officers of the said Court of Probate, or of any County Court, in respect of business under the said Act, shall be collected by means of Stamps."

Mr. SPOONER said, that this point of order affected equally the Amendment introduced by the hon. Gentleman himself.

Mr. WILSON denied that the instances were alike, and explained the transaction of the last year respecting the agreement with the registrars, by which they undertook to perform additional duty if called upon.

Mr. SPEAKER said, that the House had acquiesced in the rule in the case referring to the salaries of the County Court Judges—that the subject could not be entertained in that stage of the Bill. This Amendment involved the same principle, although on a minor matter, and ought to fall under the same rule.

Whereupon such Amendment was not put from the Chair, as involving a direct charge upon the Public Revenue.

Mr. SPOONER said, he should now move that Clause 99 be omitted, that he might have the opportunity of raising the question hereafter. He denied the alleged compact with the registrars, and said that it was quite understood that they should be paid for all new business.

Amendment proposed, to leave out Clause 99.

The ATTORNEY GENERAL said, that he was sorry for the position in which they stood. He had believed that the fees would have gone to the registrars, and if the question had been put to a division, he should have voted with the hon. Member for North Warwickshire.

Sir FITZROY KELLY said, that after the declaration of the hon. and learned Gentleman, he hoped that the Government would take the matter into consideration, and bring in a clause in conformity with the views of the Attorney General.

Mr. HENLEY said, that the position in which they stood was not creditable to the House. The justice of the case (as it was admitted) was, that those who did the work should have the fees; and he hoped that the Government would find means to set the matter right, unless it was clearly proved that there had been a compact with the gentlemen as stated.

Mr. WILSON said, that he adhered to his statement that last Session, when the registrars' salaries were settled, the salaries did include future business. If, however, the Attorney General had represented to the parties that they should retain the fees, he (Mr. Wilson) would not interpose a point of form. Nevertheless, he objected to the recommencement by payment of fees, after the principle of payment by salaries had been established last year.

Mr. ROEBUCK said, that if the registrars were to be better paid, the same principle ought to be applied to the County Court Judges.

Question, "That Clause 99 stand part of the Bill," put, and *agreed to.*

Mr. ROLT said, he wished to move an Amendment to Clause 108, the object of which was to authorize compensation to be awarded to the managing clerks of proctors who had been in continuous service in that capacity for fifteen years and upwards before the passing of the Act.

Amendment proposed,—

In Clause One hundred and eight, line 37, after the word "Registrars," to insert the words "or Proctors, or continuously employed partly in the offices of Registrars and partly in the offices of Proctors."

Mr. WILSON said, the Amendment contemplated the imposition of an additional charge on the revenue, and it could not therefore be entertained in that stage of the Bill.

The ATTORNEY GENERAL said, he should leave the question for decision to the House, without expressing any opinion upon it himself.

Mr. MALINS said, he should support the Amendment.

Question, "that those words be there inserted," put, and *negatived.*

MR. COLLINS moved that, for the purposes of the Bill, the West Riding be divided into two different district registries, and that Leeds be the place of district registry for the wapentakes of Ewecross, Staincliffe, Claro (including the liberty of Ripon,) Skyrack, Barkston, Ash, and for the borough of Leeds, all in the West Riding of the county of York.

Amendment proposed in the Schedule:

> Before the words "The West Riding of the County of York," in the first column, to insert the words "Wapentakes of Ewecross, Staincliffe, Claro (including the liberty of Ripon), Skyrack, Barkston, Ash, and the Borough of Leeds, all in the West Riding of the County of York ——— Leeds."

Question proposed, "That those words be there inserted."

MR. BAINES said, he would support the Motion. When Lancashire and Somerset were divided into three districts, the West Riding should have at least more than one, and had, considering its vast importance and great population, an undoubted claim to a place of district registry.

MR. ROEBUCK said, that if the principle of division was adopted, what was urged in favour of Leeds would equally apply to Sheffield. He thought that one place of registry would be preferable, inasmuch as the concentration of wills would be more perfect, and persons searching for wills would not have to go to two or three places. The distance from Leeds to Wakefield, which was now the sole place of registry, was only nine miles, while that from Wakefield to Sheffield was thirty-two miles, which gave a preferable claim to Sheffield.

Debate *adjourned* till *this day.*

THE ROYAL MARINES.—QUESTION.

MR. TAVERNER MILLER said, he would beg to ask the First Lord of the Admiralty whether the two battalions of the Royal Marines, now under orders for China, will receive the field allowance and the same pay as that granted to Her Majesty's Troops of the Line when serving in India, should they be employed on shore or on duty?

SIR CHARLES WOOD said, he was not aware that Her Majesty's troops serving in China were to receive the Indian allowance. The position of the marines was precisely that of other marines. They were supernumerary to the ship's complement. They were borne on the ship's books and they would be landed and employed on shore if there were any need to do so.

THE DANUBIAN PRINCIPALITIES.
QUESTION.

MR. DISRAELI: Sir, seeing the noble Lord at the head of the Government in his place, I think it will be more convenient that I should bring the inquiry respecting recent proceedings at Constantinople within the strict limits of a question. The House is aware that the Ambassador of France at Constantinople and the Representatives of three other Powers have struck their flags, and, I infer from that, have at least suspended diplomatic relations with the Porte. It is understood that these extreme and violent proceedings are the result of a difference of opinion respecting the form of government to be established in the Danubian Principalities. It was understood at the time of the conferences at Paris that between France and England there was an accordance of opinion, and that both powers were in favour of a union of those provinces. It would appear now, however, that there is a contrariety of policy on that subject. I wish to inquire of the noble Lord whether he can give any information to the House on this subject; whether there is any prospect of an amicable settlement of existing differences on this head between England and France, or whether there is any apprehension of an estrangement of feeling, which all would deplore, between us and our much-cherished Ally?

VISCOUNT PALMERSTON: I am not surprised, Sir, that the right hon. Gentleman should have asked the question which he has just addressed to me, for statements have recently appeared in the newspapers which must have excited some anxiety in the public mind. There has been a misunderstanding at Constantinople, not arising, as the right hon. Gentleman imagines, upon a question of the union or non-union of the Principalities, but from a difference of opinion which prevailed in regard to the regularity or irregularity of the elections which have recently taken place in Moldavia. The right hon. Gentleman is aware that by the Treaty of Paris there were to be chosen in the two provinces Representative Assemblies, which were to take into consideration the wants and wishes of the people in regard to their internal organization and arrangements; that there were to be Commissioners appointed by the Six Powers to be in the Principalities during the period of the elections and of the subsequent deliberations, and that when the assemblies should have expressed their wishes and the Commissioners should have made their Reports, both wishes and Reports were to be submitted to the Congress at Paris, which was to reassemble for that purpose, but not constituted in the same manner as before composed of the resident Ministers in Paris. The Congress so composed—the Turkish Rpresentative being present—was to deliberate upon the representations and Reports so submitted to it, and, in concurrence with the Sultan, to come to an agreement with regard to the future organization of the Provinces. The Porte, in the execution of those engagements, issued a firman directed to the Governors of Wallachia and Moldavia, setting forth the manner in which the elections were to take place. Questions arose as to the interpretation of certain parts of the firman. The firman had been settled by the unanimous consent of the representatives of the Six Powers acting in concert with the Turkish Government. Certain explanations were given afterwards—on the 30th or 31st of May—by the Turkish Government in regard to the firman. Those explanations were sent to the Commissioners at Bucharest, and they were to be transmitted to the Governor of Moldavia to be applied not only in Wallachia but also in Moldavia, in as far as they were applicable, considering certain local differences which existed in the internal arrangements, constitution, and laws of the two Provinces. What, however, with the confusion of telegraphic messages, and what with irregularities on the part of those who ought to have transmitted these documents,—I am speaking now of the officers of the Turkish Government—the elections in Moldavia took place without reference to the authoritative interpretation of the firman. Then arose a general opinion that the Moldavian elections were not in accordance with regularity and law, and that if the explanations which had been given of the firman had been strictly acted upon, the result of those elections would have been different from what it actually was. Representations to that effect were made to the Ministers at Constantinople, and four of them—that is to say, the French, the Russian, the Prussian, and the Sardinian—separately, and without acting with the English and Austrian Representatives, called upon the Turkish Government to annul the Moldavian elections, and to have the electoral lists revised, in order that the elections might take place over again. The Porte felt that this was a demand which, applying to matters that had been treated in common by the Six Powers, ought not to come from four alone, and they declined, therefore, to comply with it, saying, however, that if the same request were made by the Six Powers, the matter would be placed in a different position. Misunderstandings followed on all sides, and the result was that the French, Russian, Prussian, and Sardinian Ambassadors either hauled down their flags or were about to suspend diplomatic relations with the Government of the Sultan. The recent visit of the Emperor of the French to Osborne, accompanied as he was by his Minister for Foreign Affairs, gave the English Government an opportunity of coming to a full understanding upon these matters with the French Government, and the conclusion we arrived at was, that there were undoubtedly sufficient *primâ facie* grounds of irregularity—not proved, but still founded upon the prevalent opinion that it would be desirable for the interest of the Porte itself that the electoral lists should be revised, and brought into conformity with the firman and the interpretation, which had been given of that document, and that the elections in Moldavia should take place over again upon the list so revised. We have reason to believe that the Austrian Government is disposed to concur in that course, and under those circumstances we are convinced that the Sultan, not feeling that his dignity and independence will be at all compromised by yielding to representations made by the whole of his Allies, will take the course which will be recommended to him—namely, that of annulling the recent elections, having the electoral lists properly revised, and ordering the elections to take place again at the end of about fifteen days upon the lists so amended and revised. I am glad to say, therefore, that there is no ground whatever for any apprehension lest a difference of opinion between the English and French Governments may lead to an interruption of that harmony and good understanding which have hitherto prevailed between the two countries.

REFORM OF THE LONDON CORPORATION.

QUESTION.

SIR JOHN SHELLEY said, he wished to ask the Secretary of State for the Home Department, Whether he is prepared to assure the House that the Government intends early in the next Session of Parliament to bring in a Bill for the Reform of the Corporation of the City of London?

SIR GEORGE GREY in reply said, that the Government intended early next Session to bring in a Bill for the Reform of the Corporation of the City of London.

SITE OF SMITHFIELD MARKET.
QUESTION.

SIR JOHN SHELLEY said, he would now beg to ask the Chancellor of the Exchequer, Whether the Government will, as far as they have the power to do so, or control in the matter, insist upon the area lately occupied by the Market in Smithfield being preserved as an open space?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that some time ago the Corporation of London submitted to the Government certain plans for the erection of a dead meat-market upon a portion of the site in Smithfield. The Government declined to give their assent to those plans, and the matter was referred back to the Corporation, in order that they might prepare some other plan which the Government could approve. Considerable delay has since taken place, but he expected to receive a communication on the subject from the Corporation before long.

LUNATIC ASYLUMS (IRELAND.)
QUESTION.

MR. COGAN said, he wished to ask the Chief Secretary for Ireland, Whether he can state when a Report may be expected from the Lunatic Asylum Commissioners of Inquiry; and further if it is intended to suspend or to prohibit all improvements or required alterations in the existing asylums until this expected Report is published?

MR. H. A. HERBERT replied, that he had received a letter from the Secretary of the Commission stating that there was no probability of the Report being ready before the close of the year. It was not intended to stop any necessary alterations or repairs in existing asylums, but no costly works would be allowed to be proceeded with.

ASSISTANT CHAPLAINS IN THE ARMY.
QUESTION.

On the Motion for going into Committee of Supply,

COLONEL NORTH said, in the absence of his hon. and gallant Friend (General Windham,) he would beg to ask, whether, when a clergyman entered the army as Assistant Chaplain, his service counted for his retirement in the same way as that of an Assistant Surgeon; and, if not, what was the reason?

SIR JOHN RAMSDEN replied, that the services of Assistant Chaplains did not count in the same way as those of Assistant Surgeons, because, while the latter were commissioned officers, Assistant Chaplains only held temporary appointments.

TROOPS FOR INDIA.—OBSERVATIONS.

SIR DE LACY EVANS, pursuant to notice, rose to draw the attention of the House to the military arrangements being made for meeting the contingency that has occurred in the Bengal Native Army. The hon. and gallant Member, who was indistinctly heard, was understood to say that, considering the House was to be prorogued during an emergency of momentous importance in reference to the military power of the country, it would not be thought unreasonable that he, as a professional man, should endeavour to direct attention to the subject—to elicit from the Government what steps they had taken or were about to take to meet the emergency; and, though he was aware that advice offered to the Government was not generally acceptable, to state his views of what ought to be done to render the military resources of the nation adequate to the occasion. He thought he was bound to offer some justification for giving his opinion, and this he found in his fear that until recently the Government had not appreciated, to the full extent, the importance of the contingency that had arisen. He formed that opinion first upon the fact that the whole proposed augmentation of our naval forces was only to the extent of 2,000 men. Surely, if the Estimate of the maritime force which had been presented at the commencement of the Session was adequate only to the wants of a peace establishment, the mere addition of 2,000 sailors was scarcely a sufficient increase to meet the requirements of actual war. Such a force was not more than adequate to carry on the war between Sir John Bowring and Commissioner Yeh. Then again, with respect to the militia, an estimate had been presented for £200,000 to meet the extra expenses that would be incurred between the present time and the 28th of March, a period of about eight months. That sum was a mere nothing to provide, when it was recollected that in a very short time there would be scarcely any regular troops of the line remaining in this country. The Government, of course, was better able than himself to judge of the actual relations of this country with the other Powers, and he sincerely hoped that there was no reason to apprehend any interruption of the present state of peace in Europe; but under any circumstances, and especially under circumstances such as the present, he thought it would be most unbecoming to us as a great Power to present ourselves before Europe comparatively disarmed. With regard to the embodiment of the militia, the noble Lord at the head of the War Department appeared to regard that as a mere contingency which might happen, and that the services of a portion of the militia might possibly be required. Now that circumstance alone, even were there no other reasons, would lead him to believe that the Government had not regarded the state of affairs in India quite so seriously as the occasion demanded. In looking round to see whence troops could be obtained in the present emergency, the garrisons of our various colonies would naturally be expected to supply a portion of their forces. There was a very large force at Malta—six or seven battalions; and he presumed that at least three of those battalions could be spared. During the Crimean war the Governor and the Commander of the Forces in Malta very properly sent away nearly the whole garrison of that island—a step which was regarded by the inhabitants as a proof of confidence in them; and the result proved that that confidence was well founded. He hoped, therefore, that a portion of the garrison of Malta would be made available for service in India; but instead of being brought home, as he heard was intended, he would suggest that those three battalions, together with the cavalry and artillery intended for Bombay and Kurrachee, should be sent through Egypt—a course by which many weeks might be saved. He had been told that the earnest desire of the Pacha of Egypt was to afford every facility for the transmission through his territory of the troops destined to meet the emergency in India. He might have been wrongly informed, but, if not, he hoped the Government would not hesitate to take advantage of the offer, and that if not the whole, at least the greater part, of the force would be sent by that route. The want of a coal depot at Suez had, he was aware, been put forward as an objection. But surely that might be provided in a very short time. There were other considerations with regard to the transport of troops to India at the present moment that were of great importance. On the 9th May last, a noble Earl in another place inquired what reinforcements were intended to be sent to India; and the answer of the Secretary for War was, that the Government did not consider that our territories in that part of the world were at all seriously menaced, but that 4,000 men would be sent by June, by means of transport ships, to reinforce the European troops in that country. But he had closely watched the accounts of the embarkation of troops, and he said that instead of 4,000 he understood that only 554 men were actually embarked in the month of June. He admitted that considerable exertions had been made to procure transports, and that since June the number of troops sent out had been considerably increased. Up to the 8th August he believed that about 16,600 men had actually embarked for India, and that 6,000 or 8,000 more were now under orders. There were 4,000 or 5,000 troops that had been intercepted on their way to China, by order of the Governor General, and sent on to India; and some additional forces had been likewise drawn from Mauritius and Ceylon. Taking all together, including those under orders for embarkation, the additional European force which the Indian Government would have at its command, when they all arrived, would not exceed, he supposed, 28,000 men. That was undoubtedly a considerable force, and with the artillery, about 100 guns, would be a most desirable accession to the British forces in India. Still he doubted whether all the arrangements had been made which the circumstances of the case demanded. One of the greatest difficulties to be overcome was the immense distance the troops had to be conveyed before they reached the scene of operations. He believed the whole of the troops hitherto embarked had gone out in sailing vessels, and he was told that was necessary in consequence of there being no depots for coaling steamers on the voyage That was an inconvenience, however, which it appeared to him might be easily remedied, and he hoped he should be told that measures had been taken for that purpose. At all events, he believed he was not incorrect in supposing that at Sierra Leone, the Cape, the Mauritius, and

Ceylon coaling stations in every way suitable might be formed, each being about 3,000 or 3,500 miles distant from the other. Of this he was quite sure, that whatever expense might be necessary for so important an object as the shortening of the time distance by some 3,000 miles in conveying out troops to meet an emergency like the present, by establishing these coal depots, would be gladly borne by the country. Unless it could be shown that there was some practical difficulty in the way, he trusted he should be told by some Minister that ships had been sent out to form coal depots at the stations he had indicated. He hoped that the reply he should receive would give some distinct information upon this point, and if it should be in the affirmative, it would be a matter of great satisfaction to him. It had been complained that some of our old vessels of war, now in ordinary, had not been despatched to India, and he hoped to receive satisfactory information on this point also, for one or two vessels in the port or river of Calcutta would, under existing circumstances, be of great use. These were matters which had all been discussed by the public press; still he trusted there was no harm in his urging them upon the attention of the Government. He had seen recently in a newspaper that Captain Osborne's squadron of sixteen gunboats, intended for China, had left Rio on the 3rd of July. He trusted that that statement was correct, and that orders would be sent out to arrest the squadron at Galle, and send it on to Calcutta, for no force could be more effective in operating in the Indian rivers than a squadron of gunboats, and the need for them was much more urgent on the Ganges than in the Canton river. There were some other points which deserved consideration in speaking of the reinforcements sent out to meet the emergency of the mutiny of the Bengal army. Unquestionably 28,000 men was a very large addition to the European force in India. But it should be recollected that a large portion of that number was due in the shape of recruits for the Indian regiments, and therefore they could scarcely be accounted as an addition to our army there. Again, these troops would necessarily be diminished before October by casualties and deaths, and still more by the sick in hospital, and therefore we must be prepared to find them diminished by 5,000 or 6,000 men. Means should be in readiness to send out men atonce to supply that deficiency. With regard to the force which might be drawn from the Colonies there were four serviceable battalions in Canada. Canada might now almost be considered an independent ally of England. She was in no danger of attack from any Power, and her militia were quite adequate for any purpose of internal defence; therefore he saw no reason why three of those regiments should not be at once recalled for service in India. And not only that, but he would venture to renew a suggestion he made during the Crimean war, that advantage should be taken of the sympathy manifested by the Canadian people in the affairs of the mother country, and that the offer they then made to raise two Canadian regiments to be added to our regular army, but which, from some jealousy, he feared, existing at the Horse Guards, had been declined, should, if renewed, be now accepted. At this moment, if the Canadian people were informed that such a force would be valuable in India, he had no doubt they would be eager to renew the offer. Then as to the forces of the Cape. He had previously expressed his regret that so large a force should be kept up by the Government in that colony. There were at the Cape now, he believed, eleven regiments of infantry, a strong regiment of mounted riflemen, and 2,500 Germans. Yet at no time were the Kaffirs less able to make inroads into the British territory; and seeing that the Cape had the advantage of a free government, it was too much to call upon the Imperial Government to protect the whole of the extended frontier, or to do more than to afford them some assistance towards enabling them to guard it themselves. Four thousand British troops, acting in this way, would be sufficient to keep the Kaffirs within bounds for the next few years, when the protection of the country might safely, he hoped, be given up to the colonists. He was told that by maintaining this large army at the Cape we had been saved another Kaffir war. Even if it were so, which he questioned, he did not see any very great advantage in being saved from a war, if for that purpose we had to keep up a war establishment in time of peace; but of late years we had kept up a larger force at the Cape than at any period during the Kaffir wars, and as there could be no necessity for maintaining so large an army there, he trusted that he should hear from the Government that they had taken steps to render the troops at the Cape available for the emergency in India, where, as they were already half-way, if orders had been sent on in the first instance they would arrive long before any troops sent on from this country could do. It had been intended during the war with Russia to send one of the regiments at the Cape to the Crimea, but in consequence of some want of technicality in the order sent to the Commander of the Forces, that regiment was never despatched, and we did not derive the assistance of one man from the Cape during the Crimean war. He had observed as a rule that the Governors of distant colonies were very averse to parting with their soldiers; but the force at the Cape was altogether out of proportion to any demand that could arise for their services. He thought, under the circumstances, three or four battalions of infantry, and the 2,500 men of the German Legion, would be an ample force for the defence of the colony, and that seven battalions might be spared for India without danger. The order of the Government at home ought to be imperative; if however, the Government contented themselves with merely sending orders to the Governor of the colony to send all that he could spare, he should entertain great doubts of the result. He thought it was the duty of the Government at home to take the responsibility upon themselves, and to issue peremptory orders to send over so many battalions; for unless they did so he did not believe that any very great force would go from the Cape to India. He understood from the newspapers that the Governor of Bombay, immediately on hearing of the mutiny in the Bengal army, had very properly despatched two ships with reinforcements to Calcutta. He did not expect the same course would be taken by the Governor of the Cape without orders from the Government at home; but he trusted, if such orders had not already been sent out, that no further delay would take place in forwarding them, and that the result would be an addition of six or seven regiments of infantry to the available force at Calcutta. It was clear that not less than 100,000 of the Native troops in India had been either disbanded or were in arms against us; and even if they should have received that blow, which he trusted had ere this been struck at Delhi, it would still leave perhaps some years of serious work upon our hands before we could re-establish our military position in India, and place ourselves on our former footing of security both as regarded India and Europe. It was evident, when we took into consideration the vast extent of territory over which we had to act, that a very large force would be required to restore and maintain our position. As he had said, when the forces which had been sent out arrived in India, it would be found that considerable diminution of their numbers by sickness and other disabling causes would have occurred, and after their arrival still greater losses must be anticipated; it was necessary to provide for these, and the only means of doing so was by recruiting and the militia. At all events, he trusted he should hear no suggestion of having recourse to the enlistment of foreigners. Well, then, the only means of supplying the casualties and maintaining the effective strength of the army was by recruiting for the line and the militia, and as a means for supplying the ranks of the army he looked to the militia as of far greater importance than recruiting. If there was any branch of our military system that failed during the late war it was the recruiting. The late Lord Hardinge had given his decided testimony to that effect, and many hon. and gallant Officers then in the House knew how perfectly unsatisfactory and unavailable it was, both as to the number and to the quality of the recruits. Now he thought the time had arrived when they ought to consider what were the causes of this great difficulty which undoubtedly existed of recruiting the regular army. It certainly was not for want of enterprise or military spirit in the youth of the country; the chief reason, he believed, was that adequate inducements were not offered to young men to enlist. He believed £10 only was the maximum bounty in the late Russian war, whereas in the previous war double that amount was allowed. But it had been stated, he believed, by several authorities, and amongst them the late Commander-in-Chief, that a heavy bounty was objectionable because it encouraged desertion. That might be so; but, whether or not, he would suggest to the Government that it was a subject well worthy of their consideration what were the causes of the difficulty of recruiting the army, and what it was that occasioned the unwillingness on the part of the great body of the people to enter into the military service of their country; because, unless some adequate means were taken to facilitate recruiting we should get into a serious difficulty, notwithstanding our immense resources and the patriotic spirit of the country. Looking then to the militia as the chief source from which reinforcements to the regular troops could be drawn, he confessed he was disappointed when he found the Estimate to be proposed for the militia was only £200,000. He had heard it said that at some time between this and Christmas 30,000 of the militia might be called out, and had also heard reasons put forward why they should not be too precipitate in this matter—on the ground that it was not thought desirable to run the risk of interfering with the harvest, or with the recruiting for the regular army. He, however, thought these reasons wholly insufficient and would respectfully urge upon the Government the advisability of making arrangements for the immediate calling out a large militia force. At least 50,000 or 60,000 men ought to be embodied. He was almost afraid to mention the small number of troops we now had at home. When the Estimates were brought forward for the peace establishment, some months back, he stated that in his opinion it was not the duty of a non-official Member of that House to dictate to the Government the military force which ought to be maintained for the service of the country, but he added on that occasion that there were at that time only about thirty-one or thirty-two battalions of the line in the kingdom. That number had been now greatly diminished. Again, what were the means announced for supplying the deficiency? He understood it had been announced that all the battalions or regiments of the line at home were to be raised from 840 (the present complement) to 1,000 men each. But the number of battalions at home was so small that that would scarcely give them more than 3,000 or 4,000 additional men. Then they were to have ten second battalions of 1,000 each raised; which might give altogether an addition of 13,000 or 14,000 men. But even this augmentation, he contended, was wholly inadequate. Even in the present state of things, although there was a strong feeling of public security, we ought to show to the world on all emergencies that we possessed a complete inherent power of military strength; and every means ought to be resorted to to restore our home establishment to its proper strength. With regard to the events that had recently happened in the East, the House had in the accounts in the public journals read many statements of heroic conduct on the part of the British officers in India, and he did hope that Government would lose no time in manifesting, in some conspicuous way, their sense of the services of those gallant officers. He might mention especially the two Lawrences and Lieut. Willoughby—one of whom in Oude, with an extremely small force, and the other in the Punjab, upheld the authority of the Governor and prevented disaster. Then there was Brigadier Wilson, who had evinced great skill and gallantry. [An hon. MEMBER: And Major Edwardes?] Yes, and Major Edwardes; he wished he had a higher rank than "major." That also was a distinguished instance of the resources, the energy, and the bravery of a British officer. Major Edwardes commenced at once to levy Sikh troops, and with great success. All those officers, as well as many others, he trusted, would receive from the Government the reward they so richly merited. He would not trespass further upon the attention of the House. There was one circumstance, however, which had struck every mind in this country, and almost every mind in Europe, in connection with this outbreak, and that was the extreme ferocity and inhumanity which had been displayed by the Indian Sepoys. It might have been supposed from such conduct that they had been long suffering under some grievous oppression; but the fact was just the reverse. No troops in the world were treated with more consideration or enjoyed greater advantages than the Sepoys of the Bengal army. The explanation of the atrocities of which we had read, on the part of the mutinous troops, remained, he admitted, to be explained. He trusted, however, that these mutinous assassins would be punished with condign severity, and that no mistaken lenity or false humanity would stand in the way of the well-deserved retribution which ought to fall upon them. Momentous as this state of things was, he must nevertheless call to mind that the people of this country had not been in any way intimidated by the serious position in which at one time we stood during the Crimean war, and that although during the sad interval referred to that gigantic struggle was calculated to embarrass the most powerful military Governments. The British public, instead of being therefore deterred from prosecuting the war, were earnestly desirous of prolonging it, with the utmost energy. The same feeling, he was confident, would animate the country on the present emergency, and the Government, backed by the popular feeling and by the concurrence of the House of Commons, would be enabled, without delay, to take such measures as would restore peace and security to India. Before sitting down he would suggest that as the local Government of India, with all its resources, might find a present difficulty in obtaining specie for the purposes of the military operations, he should be glad to hear, that the Home Government intended to include in the supplies about to be transmitted to India, the probably needed assistance, of this indispensable element of war.

Viscount PALMERSTON: The House, I am sure, will feel that the high military character of the gallant Officer who has just sat down must command the respect of all who listen to him, and that any opinions which he may express are worthy of the greatest deference even from those who may not altogether agree with them, or who may not be disposed to carry them so far as he does. The gallant Officer therefore, will, I trust, give credit to the Government for having listened with the greatest respect and deference to the sentiments which he has just expressed, so honourable to him as an individual, and so worthy of the high character which he has always borne. However, I think that my hon. and gallant Friend in some measure overestimated the European difficulty which may be produced by the events in India, and the efforts which we may be compelled to make in order to meet their consequences. He seemed to think that foreign nations may, by the knowledge how large a force we have been compelled to detach to our Indian possessions, be led to imagine that we are weak and defenceless at home, and may therefore assume a higher tone, or adopt other measures with regard to us than would have been prudent under different circumstances. I think that the concluding observations of my hon. and gallant Friend afford an answer to any such apprehension. The nations of the world have seen with what unanimous spirit, and with what energy the British people have responded to any call for efforts and exertions which the Government has thought it right to make upon them in moments of national peril; and any Government or any nation which should think that the particular circumstances of the present moment render it safe for it to assume an unusual attitude towards this country would I am convinced, very soon find out its mistake, and would without loss of time resume its accustomed bearing towards England. It is true that we have had occasion to send to India, either from this country or from our colonies, a force which, in round numbers, amounts to about 30,000 men; but we have taken and are taking those steps which we think best calculated to fill up the gap thus occasioned in our home or defensive force. Measures have been taken such as those recommended by my hon. and gallant Friend. We are raising recruits as fast as they can be obtained, for the purpose of augmenting the establishments not only of the regiments at home, but of all regiments in every part of the world except India, those in that country being already at their full complement. We are forming ten second battalions, and are prepared to call out and embody a certain portion of the militia. Now, my hon. and gallant Friend seems to think that there is not on the part of the people of this country that disposition to enlist in the army which he would wish to see. I do not think that the example of the Crimean war affords any grounds for that apprehension. During that war we raised, speaking from recollection, fully 50,000 men in one twelvemonth; a number more than double that which was ever before raised in a similar time. The inducements to the people of this country to adopt the career of a soldier are the good treatment of the soldiers, the pension which is given under certain circumstances, and after certain periods of service, and the general respect which is felt for the military body. I do not think that there is any reason for saying that these inducements are not sufficient. Of course, lowering the standard and increasing the bounty would in some degree facilitate the process of recruiting; but at a period like this, when there is all over the country a great demand for labour for harvest operations, it is not likely that those who can get high wages for such work will, until it is over, be disposed to enlist in the army, however favourably they may regard it as a permanent career. I have not the slightest doubt that when the harvest is finished we shall get a greater number of recruits weekly than has hitherto been obtained; but even now the number who have enlisted during the short period that the recruiting has been going on is far from inconsiderable. We might say that we would raise twenty battalions; but what is the use of announcing that you will form a greater force than your recruiting will enable you to create within a given time? The best course seems to me to be to attempt the formation of as many regiments as you can raise within a short time, and when those are formed to raise others if they are needed. Again, my hon. and gallant Friend thinks that a larger force of militia ought to be embodied than we are understood to intend to call out. But there are two limits to this maintaining of troops; first, the means of recruiting; and, secondly, the amount of the public revenue out of which you can pay the recruits whom you may embody. The militia is paid like the line, and the expense of its maintenance is equal to that of the regular troops. I have no doubt that if we were able to tell this House and the country that we were upon the eve of some great European difficulties, that there were pending differences between this country and foreign States, which might end in events that would require great efforts for our self-defence—I have no doubt whatever that this House would respond to such an appeal, and that by the imposition of fresh taxes it would enable the Government to provide whatever increased amount of either military or naval force might be deemed necessary for the adequate defence and security of the country. But, fortunately, we are at present not in that position. I am not aware of anything which leads to the apprehension that we are likely to be engaged in serious differences with any foreign State; and, therefore, I think that it is more consistent with the duty of the Government to abstain from calling upon Parliament to give extraordinary means until the moment arrives when there is a prospect that they will be required. There are two errors into which men may fall. One is to overlook a really existing danger, and the other to imagine dangers which have no real and actual existence. It is the duty of the Government to endeavour to avoid the latter as well as not to fall into the former. In the present state of things, I do not apprehend that any circumstances are likely to arise which would place us in difficulties at a period earlier than that at which the measures which we are now taking will restore our defensive force to the amount which, at the beginning of the year, was thought to be sufficient as our ordinary peace establishment. These events in India are very afflicting; they are very serious, and will require, I fear, continuous efforts on our part to meet them; but as far as Europe is concerned, nothing has happened to disturb that state of peace in which we fortunately found ourselves at the commencement of the year. No doubt, Sir, my hon. and gallant Friend has called attention to several matters which are well deserving of consideration. Among other things he has suggested — what has also been suggested elsewhere—that measures might be taken to send through Egypt the reinforcements destined for India. In the first instance, no doubt, such a measure wears a favourble aspect; but there is this to be considered, that, even assuming, which my hon. and gallant Friend, I dare say, very justly assumes, that the Government of Turkey and the local Government of Egypt would make no objection to such a proceeding, the transport of any considerable number of men from Alexandria to Suez is a matter which would be attended with great inconvenience and considerable difficulty; so much so, that when, during the Crimean war regiments were brought from India by that route, our Consul-general in Egypt stated that the difficulties attending the arrangements were such, that he hoped and trusted we were not likely to have to adopt a similar proceeding again. That operation, however, was comparatively easy, because the arrangements were made long beforehand; the means of transport from India were prepared in that country, and we had, in the Mediterranean, vessels to take those troops to the Crimea. But suppose that to-morrow morning we determined to send 3,000 or 4,000 men to India, and wished to send them to Egypt, what operations must be performed. Not only must we obtain the consent of the local authorities, make an arrangement for the supplying of transport across the desert, (which for any large number of men with their baggage and stores it would not be easy to obtain), and make arrangements for supplying them with provisions during their march; but we must have in the Red Sea a sufficient number of transports, properly fitted, to carry them on to India. Therefore we must write to India, and the local Government of Bombay must obtain these transports, fit them for the reception of troops, and send them up the Red Sea to Suez. The Red Sea, as my hon. and gallant Friend knows, is at certain times of the year very difficult of navigation by sailing vessels for one-half its course, and it is not likely that steamers of sufficient number and magnitude could at once be engaged at Bombay. It is a matter worthy of consideration whether all these operations would not take so much time that troops starting hence to go across Egypt would probably not arrive in India so soon as those sent in ships properly equipped round by the Cape of Good Hope. Therefore it is very questionable whether that arrangement is one which would in practice attain the object of those who recommend it: not to mention the objections which exist to landing stores, men, and horses—if you sent them, which you probably would not — at Alexandria, transporting them by railway to Suez, and there re-embarking them. My hon. and gallant Friend knows that these operations of embarking and disembarking cannot be carried on without occasioning much damage to the stores so transferred. No doubt it is true, as he says, that the force at the Cape is larger than under the present circumstances may probably be needed, and is at a point very convenient for despatch to India. My right hon. Friend the Secretary for the Colonies has already written to the Governor of the Cape, directing him to send to India, in addition to the two regiments which had previously been ordered from the Cape, whatever portion of the garrison he may think can be spared consistently with the safety of the colony. We have therefore allowed Sir George Grey to use a full and free discretion as to sending to India any portion of the force now at the Cape, which he thinks may be spared from that station without danger to the security of the colony. We have done more than that. It having been represented to us that there may be a want of horses in India for the cavalry and artillery, we have therefore made arrangements to obtain, if possible, a supply of horses from the borders of the Persian Gulf, from the Cape of Good Hope, and from other places, to be conveyed to India. I will now touch lightly upon a topic which has been a subject of much difference of opinion both within and without these walls—I mean the China war; and I think that those Gentlemen who did not approve of hostilities having been commenced as they were commenced, must at least admit that out of evil good has come. The force, which has, I now trust, landed at Singapore, would not have arrived there so speedily but for the occurrences which took place at Canton, and that, I trust, will be a consolation to some hon. Gentlemen who disapproved the course which has been pursued in China. My hon. and gallant Friend has adverted to the proposal which was made during the late war with regard to raising battalions in the North American provinces. Now such a proposal at the present time is one which would deserve to be well and carefully considered, and upon which I do not wish at present to express any opinion; but I may mention to the House one circumstance which mainly guided the Government in their determination of not giving effect to those proposals during the war in the Crimea. We were at that time engaged in the discussion of questions of considerable difficulty and importance with the Government of the United States of America, and we did not think that it would be very desirable to withdraw at that time from Canada any large body of men, who might possibly, if the negotiations had taken an unfavourable turn, have been required for the defence of those provinces themselves. Well, Sir, my hon. and gallant Friend has adverted to the events which have lately taken place in India, and he has very properly dwelt upon the great energy and heroic courage which have been displayed by the British officers, whether civil, or military, in every part of that country. I, for my own part, must say that, while upon the one hand these events must be afflicting to the mind of every one, yet, on the other hand, every Englishman must feel proud of his country, when he sees how a few Englishmen, scattered over a vast country, in many cases acting singly and with the smallest possible support, have proved themselves equal to the emergency in which they have been placed, and have displayed equal skill and courage. I say that they have not shown mere bravery alone, but their skill and judgment have accomplished things of which any country might have been proud of performing under similar circumstances; and that is at all events, to a certain extent, a source of consolation which we may set against the darker portion of the picture. I can only assure my hon. and gallant Friend and the House that the Government are at present doing all that they think necessary to meet the difficulties with which we have to contend. We are not going beyond what we consider to be existing necessities; but if events should take a turn different from that which we hope they will take, if difficulties of other kinds, not at present foreseen, should come upon us, then we feel that we have at hand that resource which in this country every Government has—I mean the power of calling Parliament together, and of laying before them the circumstances of the case and of asking for those additional means which the necessities of the moment may require. I can only repeat that as, on the one hand, I believe that it would be blameable in us to shut our eyes to any difficulties which at present exist, and which may require additional exertion to meet them, so, on the other hand, I think that we should not be properly performing the duty which devolves upon us as a Government if we were to ask Parliament to impose burdens, and the country to submit to burdens, which we do not in our consciences believe that the interests of the country really demand. In conclusion, I can only assure my hon. and gallant Friend that it is the anxious desire and aim of the Government to do everything which may be necessary to accomplish those objects which he has so properly pointed out to the House.

COLONEL NORTH said, he entirely agreed with the noble Lord as to the confidence which was to be placed in the zeal, courage, and loyalty of our officers and men in India; but, at the same time, he thought that it would be a fatal error to trust entirely to the personal courage of any body of men. At the present moment this country was sending out a large number of seasoned soldiers, together with some hundreds of recruits. Now, the House must remember that it was very easy to add some 200 or 300 recruits to a regiment of 800 or 1,000 seasoned men, and yet retain the regiment in a good state of efficiency; but the case was very different when a regiment was formed entirely of young recruits, young non-commissioned officers, and young commissioned officers; for no one could suppose that any very great reliance could be placed upon such a regiment for the defence of the country, notwithstanding the loyalty and personal courage of the men composing the regiment. A regiment of soldiers upon whom reliance could be placed was not to be formed simply by dressing men in red coats and teaching them how to manœuvre: the real soldier was a man who had been properly trained to his calling. He thought, therefore, that it was a great error to send all the seasoned troops out of the country, and to rely upon the militia alone for the defence of the country,—who, although they were thoroughly brave and worthy of the character of Englishmen in every respect, nevertheless could not be supposed to possess the qualifications which were necessary to form a proper soldier. The effect which a small well-disciplined force had in controlling a mob proved the value of that feeling of reliance, not only upon himself, but upon every member of his corps, by which the seasoned soldier was actuated, and that feeling could not be expected in a regiment of raw recruits. With regard to the question of expense, it simply came to this—was the safety of the country worth being insured or not? If not, then no trouble need be taken about the matter; but if it were, then surely, whatever the expense might be, she ought to be placed in a position of safety against any attack which might be made upon her; and he could not help thinking that the Government were paying but little attention to the great advantages of seasoned soldiers and young soldiers as regarded the defence of the country.

MR. BENTINCK said, he could not help thinking that the remarks just made by the noble Lord would have been much more satisfactory, both to the House and the public, if the noble Lord had gone into more details in regard to the defence of the country. He had no doubt that the noble Viscount spoke with great confidence when he said, that if any foreign country should suppose that, on account of the position in which England was placed by recent events, she might with impunity adopt another attitude with regard to us, she would speedily find out her mistake. Now, that was no doubt very agreeable for them to hear; but, after all, it amounted simply to nothing but an expression of opinion by the noble Lord that we should be ready at all times to resent an insult and to vindicate our own honour. But the noble Lord went on to say that he saw no reason to apprehend any contingency arising in Europe which would require a larger amount of defences than we were prepared to supply. The authority of the noble Lord was no doubt very great; but, after all, it was but the expression of an individual opinion as to whether such a contingency might or might not arise—the contingency of a greater force than we had already prepared being required. The noble Lord should recollect that, if such an emergency did occur, it would be too late for precautions. If the emergency should occur—that of a sudden outbreak in Europe requiring an immediate increase of the defences of the country—it would then be too late to assemble the House of Commons, and to take those measures which should be of a most decisive character. Therefore, as the noble Lord admitted the possibility of the occurrence of such an emergency, the remedy he suggested of calling together the House of Commons was not the one adequate for the occasion. He did not think that this was a position in which the House should be placed. If the noble Lord had condescended to give them some more detailed account as to the amount of the force in the country actually available for our defence, it would be somewhat more satisfactory than the vague statement which he had offered on the subject.

Sir HARRY VERNEY said, that it was all very well for persons who were in a comparative state of safety to talk coolly over what had occurred in India, and what measures were necessary to suppress the mutiny; but what must be the feelings of those who were in that country, when they thought that all these calamities had arisen from the want of foresight in those who governed India? The crisis was one which required to be dealt with by something more than mere patriotic phrases. It appeared to him that some six or eight of the ships of the line under Lord Lyons in the Mediterranean might easily be prepared to carry a regiment a piece to India. There were, some time ago, between 9,000 and 10,000 troops at Malta, and six or seven regiments might therefore, with the utmost facility, have been despatched thence to Madras and Bombay by means of vessels belonging to the large squadron which Lord Lyons had under his command in the Mediterranean. Why, he would ask, had not that course been adopted? There might, no doubt, be European objects to be attained which would render it expedient that we should maintain a considerable force in the Mediterranean; but that end could be accomplished by sending out from this country troops to supply the place of those which he contended ought to have been despatched to the East. There was also another point which, in his opinion, was well worthy of the consideration of the Government—he alluded to the sending out gunboats which could go up the Indian rivers to protect the cities which were situated upon their banks. Gunboats might, for instance, be sent up as far as Allahabad, and other towns throughout India, with that view; and that no step of that kind had been taken was, he thought, an act of omission which was open to grave censure. In fact, these matters had been passed over as if these precautions were of no importance, and there existed no crisis in our Indian empire. He did not, however, feel disposed to find fault with the Government for the course they had pursued in reference to the matters to which he had adverted, so much as with that House, which had pressed upon the Government, at the close of the Crimean war, a resort to measures of economy which had, in point of fact, turned out to be productive, instead of a saving, of ruinous expense. The House of Commons ought, he contended, to have protested against the adoption of such measures; and, among them, against the disbandment of those 3,000 artillerymen, whom it would now be found extremely difficult, if not impossible, to replace. Hon. Members must bear in mind that to their keeping the interests of the country had been committed by their constituents, and that they would not be properly discharging the duty which had been confided to them unless they were determined to force the Government to take such steps as were necessary for the due protection of Her Majesty's dominions both at home and abroad.

Mr. NEWDEGATE said, he wished to press two considerations upon the House. It appeared to him that one subject especially had been overlooked by the House, and it was this:—Whatever may be the prospects of our immediately quelling this mutiny in India—whatever may be the prospect of the force now going out as to its adequacy to restore security in our possessions, many of our fellow-countrymen must necessarily be exposed to the greatest perils, and he was afraid that too many had been put to death of whose fate we were not yet made aware. However we might have provided for the immediate emergency, we should consider that India must, for some years to come, be permanently garrisoned. The soldiers we were about to send out to India must remain in India; and, therefore, we must not expect that our military establishment at home would be recruited by the return to England, from time to time, of the several regiments of which those troops consisted. Under such circumstances, we ought to make such preparations as would enable us to maintain, not only a peace establishment, but such an establishment as would enable us to reinforce the ranks of our army in India, should a contingency similar to the present again arise. On the point of calling out the militia, there would be a great inconvenience in having the militia converted into a standing army. The intention of the embodiment of the militia was, that it should be called out for the protection of this country against a sudden emergency. It would be, therefore, departing from the whole nature of the force to embody it as a standing army. The militia might be the best school for recruiting an army; but being a force only intended to be called out on an emergency, on that emergency ceasing the men should be allowed to return to their previous occupations. He hoped that the House would excuse him for pointing out those two considerations, which he thought were extremely important. The one was this—we must not look to the return of the soldiers from India perhaps for years; and the other was, that it would be extremely unwise to rely upon the militia, when we believed that we required the services of a larger force than we had at present in order to maintain the safety of the country.

Mr. W. WILLIAMS said, that the desire evinced by some hon. Members for the maintenance of an enormous standing army in time of peace was one which, from his previous experience of that House, caused him very little surprise; nor was he astonished to find that the hon. Baronet the Member for Buckingham (Sir Harry Verney) had found fault with the Government for dismissing 3,000 artillerymen at the close of the late war. He should wish, however, to know what, in the opinion of the hon. Baronet and of those Gentlemen to whom he adverted, was the use of a Government, if reliance were not to be placed upon their estimate of the force which it was necessary to keep up for the protection of the country? Now, the House of Commons had never refused any force which the Government considered necessary. If the mutiny in India had come immediately after the war with Russia, the Government would, of course, have maintained the army at its then strength. The feeling of the community at large was, no doubt, in favour of upholding our dominion in India; but to the Executive Government they must look to take the steps to which it was expedient to have recourse in order to secure that end, and not to gentlemen bearing military titles but possessing little or no military knowledge. The noble Lord at the head of the Government had stated that he was prepared to adopt every measure which the protection of the country might demand, but that he was bound to consider the question of the taxation of the people,—which did not seem to enter into the consideration of some hon. Gentlemen. He for one, after the confidence in the administration of the noble Lord which had lately been so unequivocally manifested by the people of England, was quite contented to be guided by his opinion.

Mr. WHITESIDE said, the gravity of the present crisis in India was one which it was impossible to overrate, and one which was associated with many painful considerations. Since he had last addressed the House upon the subject of India, he had heard from his hon. Friend the Member for the city of Dublin, of the murder of his relative by the mutineers, a fine young man, with whom he had the pleasure of being acquainted; while he had heard from his hon. Friend the Member for the county of Armagh, of another instance in which a relative of his had been a victim. Now, he would ask, was there to be no redress afforded for the misconduct of those by whose neglect such unhappy events had been brought about? Had the Government formed to themselves no idea of what the policy was to be, which, in ruling India was, for the future, to be pursued? Was the House of Commons disposed to assent to that which he might be permitted to call the somewhat servile doctrine recommended by the hon. Member for Lambeth—of taking it for granted that everything which was said and done by her Majesty's Ministers must be supposed to have been said and done rightly and well? Against such a doctrine as that, he, for one, protested. There was nothing which the Government might deem to be necessary for the defence of India, which hon. Members upon his side of the House would not be found ready to grant; and, indeed, they had been not a little surprised at the circumstance that they had not had the question of the embodiment of the militia brought somewhat sooner under their consideration. He must, however, be excused if he did not place implicit reliance in the wisdom and foresight of her Majesty's Ministers; and he could not help feeling strongly that upon the policy which they proposed to carry out, in reference to India, would, in a great measure, depend the amount of the military force which it would be necessary to maintain in that country. Now, while upon that point, he should call the attention of the House to an extract from a letter bearing the signature, "An Anglo-Indian," which had, a few days before, appeared in that journal which had the largest circulation of any newspaper in the world, and by means of which the sentiments contained in the letter to which he referred would, no doubt, be conveyed to the inhabitants of India. The extract to which he alluded was as follows:—

> "I am happy to hear that evidence is being obtained both as to the Emperor of Delhi and the King of Oude. It will be pleasant to save £250,000 or £300,000 a year in their forfeited pensions.
>
> "I have some hope that the Nawab of Moorshedabad may be implicated too. That would save £120,000 a year more.
>
> "Once again, do allow me to plead earnestly that, instead of now yielding to caste, and pottering about the 'prejudices' of the natives, our future policy should be an unbending, stern, and avowed discouragement of everything opposed to civilization, social morals, and British supremacy. If we now issue a proclamation declaring that, whereas caste has been used as a plea for sedition, and whereas it is based on falsehood, and the British Government regards all men as born equal, therefore, henceforth, it shall not be recognised in any form, the whole Hindoo population will bow, admit the justice of our indignation, and this monstrous anti-social absurdity will soon perish.
>
> "I am not for letting the State turn missionary; but, if our soldiers knock down every filthy idol they see, and lay every musjid level with the ground; and if they pollute every shrine, and plunder every one which is worth plundering, I shall not be sorry. For, as to these 'religions,' what are they, in fact, but lust, lies, treachery, murder, and social degradation? I should like to see our Government cause it to be known, that its past forbearance has been abused, and that now Mahomedans and Hindoos must look to it for no sort of countenance,"

He wanted to know, from some member of the Government, whether this was the policy to be acted upon in India? [Lord PALMERSTON made a sign of dissent.] It was recommended in *The Times* by a correspondent signing himself "An Anglo-Indian," who was probably a military man, and who said that 56,000 additional troops would not suffice for what he, very properly, called the reconquest of India. He would not deny that this was an intelligible policy—a clear, decided, ruthless, policy of extirpation. It recommended the Government to make war on caste. He did not speak particularly of the present Minister for India, but the Government had previously done this. A petition, to which he had before referred, emanating from the wealthy Hindoos of Calcutta, and which had been reprinted, warned the Government that the laws they were passing for India were calculated to subvert the social institutions of the people of that country. In an appendix to the papers that had been laid on the table, General Hearsey explained that a feeling of apprehension pervaded the minds of the people that the English Government meant to make war on caste. General Hearsey said,—

> "Perhaps, those Hindoos who are opposed to the marriage of widows, in Calcutta, are using underhand means to thwart Government in abolishing the restraints lately removed by law for the marriage of widows, and conceive if they can make a party of the ignorant classes in the ranks of the army believe their religion, or religious prejudices, are eventually to be abolished by force, and, by force, they are all to be made Christians, and thus, by shaking their faith in Government, lose the confidence of their officers by inducing Sepoys to commit offences (such as incendiarism) so difficult to put a stop to or prove, they will gain their object."

That was exactly what those who best understood India had already said. The Government had changed the laws of inheritance and marriage. Why should the Government insist that Hindoo widows should marry again? The Hindoos considered that the law of marriage had been desecrated. If, in a court of law, parties could establish a second marriage, they could claim the inheritance which, by the ancient law they had lost. Why should men, carrying out a red-tape policy at their desks, issue an edict subverting the ancient laws of India? Suttee was rightly abolished. This was admitted in the native petition, which was signed by many natives who, themselves or their relatives, had embraced Christianity. The right hon. Baronet (Sir C. Wood) avowed that he had passed one of these minutes on education. He, therefore, had to answer, in part, for what had happened, for he had been a party concerned in the introduction of this new policy in the Government of India. He had received a letter from Calcutta, the writer of which, a civilian, said that the East India Government had annexed twelve or thirteen new provinces, and yet they had made no addition to the civil servants, while they had taken away the military to place them in situations of civil trust. The annexation policy was not the act of the Directors, for it was forced upon them. How could the Government expect that custom which "o'ermastered nature," and bent nature to itself, should be got rid of by their little edicts? It was the most ridiculous policy that a

Government possessed of a distant empire had ever pursued. The natives believed that the manufacture of the cartridges was only the consummation of a policy that had long been pursued. He did not know whether the right hon. Gentleman (Mr. Vernon Smith) could translate Hindostanee, but he remembered he said, that no one, from Cape Comorin to the Himalayas, could have anticipated the recent outbreak. Now, he understood that the native papers had been writing sedition for months past, and warning the Government that something would happen. If the Government wanted to know what was passing in the minds of the Natives they must look at those newspapers, which were the expositors of their opinions. A friend of his, acquainted with the matter, said that the circulation of these papers was not large, but that it would be a great mistake to infer, in consequence, that the Natives did not know of these publications. His friend said that a Moonshee would sometimes read one of these articles to a whole regiment, the men squatting around him to listen. It was clear that, from Christmas last, the Government had plain notice of what was going on. That the Government had notice in January was clear from the papers laid before Parliament, and on the 20th of February, a native newspaper, published in Meerut, stated that all the Mahomedans and Hindoos were agitated in mind, that the natives would not obey the Government, and that the fire of mischief and the flame of disaffection would be kindled in the Western Provinces. He did not complain that the Government had put down these native papers, although he understood they had, with great impartiality, also put down the English papers that were engaged in writing up the Indian Government. But, if they found the Native newspapers preaching sedition, was it not time to inquire and to act? He had also received a letter, written on the 13th of March, by a gentleman in Calcutta, who had been walking about with a revolver, expecting to have his throat cut. This gentleman had given a narrative, which he had compared with the papers laid before Parliament, and which was similar to the statement of the Sepoy, as to the intention of the mutineers at Barrackpore. This statement, made to Lieutenant Allen by a Sepoy, on the 7th of February, was to the effect that a conspiracy existed among the four Native regiments at Barrackpore. They determined to rise against their officers, and to plunder Barrackpore. They next proposed to proceed to Calcutta and seize Fort William, or, failing that, to take possession of the Treasury. What was the strength of the European regiments at Calcutta to resist this threatened outbreak? His correspondent said that, on the 13th of March, the Governor General, whom it was part of the conspiracy to seize, had 200 black gentlemen as a guard. The number of white men to defend Calcutta on that day was 250. The Sepoys were the sentinels of the outer fort, and, in the inner fort, a Sepoy and a European soldier were sentinels together. The design was that the Sepoy in the inner fort should shoot the English sentinel, and that the mutineers should then seize the fort and treasure. On the 13th of March there was not a ship of war at Calcutta, nor was there any protection for the shipping. The English population were armed by the Government, and formed themselves into a volunteer corps. The King of Sardinia had a ship of war there, which was placed at the service of the Government. Thus the Governor General had evidence, in January, February, March, and April, warning him of the mutinies among the troops, on the subject of religion, and that they said they were determined to die for their religion. The idea had been disseminated ever since 1851 that the Government were making war upon caste, upon the laws of inheritance, and the fundamental customs of the Hindoos, and the natives believed that the Government meant to overthrow their religion. Yet, on the 7th of February, in the midst of all these warnings, Lord Canning wrote to say that three regiments might be withdrawn from India for the China war. Indian troops were also wanted for the war with Persia—a war undertaken with no other plain reason that he had ever heard, except that the Sha had not modelled his epistolary correspondence on the example of the *Polite Letter Writer.* Lord Canning rightly said that he could not spare more than three regiments, and now reports that he daily received communications telling him of fresh mutinies, and that he had issued repeated proclamations assuring the people that the last thing the Government intended to do was to meddle with their caste or their religion. But, unfortunately, the people would not now believe these protestations. This was the effect of the radical blunder that had been committed. If they chose to embark in such a policy as he had described, they ought first, to have collected an adequate armed force around them. He had it from high authority, that, if they really meant to overthrow and root out the institution of caste, according to the recommendation of the writer in *The Times*, they must have, not 56,000, but 300,000 men for the purpose. It was clear, therefore, that the nature of their policy was as important an element in this question as the number of their troops. When the hon. Member for Lambeth told them they ought to be governed by the opinions of eminent military men, he seemed to forget that when such men gave their opinions they were never acted upon. They had had warnings, as to the rotten condition of the Bengal army, from Sir C. Napier, from Lord Melville, from Brigadier Jacob, and a dozen other high authorities; but those warnings had remained unheeded. Even General Hearsey told them, quoting the language of Lord Metcalfe, "I fear we shall wake up some fine morning, and find that her Majesty has lost India." This was the apprehension entertained from the general disaffection among the Native troops. What advice had the highest military authority, Sir C. Napier, given them years ago, in regard to Delhi, where so many of our countrymen and countrywomen had been cruelly murdered? Why, that for the defence of that great Mahomedan city and its magazines, 12,000 men were required; that they ought to have there the means of escort for their convoys, and a force adequate to resist any sudden danger; that Delhi was the grand depôt whence supplies had to be drawn for all the stations between the Upper Ganges and the Upper Sutlej, and that the supplies must be sent from this central point to the Punjab and to Jullinder, until a more convenient route, *viâ* Kurrachee, had been completed. They had been told, then, that Delhi ought to be made the magazine for their army, their artillery, and their treasure; and yet, strange to say, when the recent outbreak occurred they had not a single European soldier at that most important position. The opinion laid down in a paper written by the eminent authority to whom he had referred was, that wherever it was necessary to have their magazines, one-sixth of their military force should be composed of Europeans. It was but just to Lord Canning to say that he had reported the deficiency of European strength and European control in the Native army. But it appeared that the state of the Indian finances would not permit of the required improvement. The Directors could not afford to bear the charge of two additional captains and two additional lieutenants to each regiment. Who, then, was responsible for all this? As long as the House of Commons, when it was about to prorogue, allowed a Ministry to go to war, as in the case of Persia, without the previous sanction of Parliament, we had no security that we might not soon be involved in an European war, while England was denuded of regular troops. It was stated that Lord Hardinge was afraid to bring the Bengal army together, on account of the danger of a mutiny. The force on which they had been relying appeared, then, to have been an army of conspirators! The fearful results that had lately been witnessed were the inevitable consequences of causes which had been patent to all men, and either the Board of Control, the Directors, the local Government of India, or all of them together, were answerable for disasters which were fairly ascribable to their mischievous policy. They talked of reconquering India. That was easier said than done. But did they mean to hold that peninsula, inhabited by superstitious and, it might be, fanatical races, by proclaiming that henceforth caste was a thing not to be endured, that established custom must entirely be subverted and ancient laws superseded by an English Minister who chose at any moment to issue from his desk a code that did violence to the long-cherished feelings and usages of the people. The Sepoy was formerly respectful, docile, and obedient. Now he was insubordinate and mutinous. It was the business of the House to scrutinize the causes that had led to this change. The officer who had the command of a wing of the 53rd Regiment at Calcutta, suspecting an outbreak of disaffection, did not wait for the directions of his superior, but promptly, and of his own accord, ordered that one company should be kept constantly supplied with ten rounds of ammunition, and that the guards should be doubled. This officer's name was Major Clarke; and he wrote a letter to his comrade, who commanded another wing at Dumdum, informing him of what might be expected at Calcutta, and advising him also to have one company supplied with ten rounds and to double his guards. Yet this gentleman was called to account for having adopted these precautions. The same steps were directed to be taken in regard to the small residue of European troops which remained in Fort William. This occurred on the 3rd of February, and yet four days afterwards the Governor General was called upon to send away three regiments. On examining the papers before them, hon. Members would see how one event influenced another. The hon. and gallant General opposite (Sir W. Williams), who had been starved at Kars, was seen by Persian agents while a prisoner in the camp of the Russian General Mouravieff. War subsequently broke out with the Shah. Then came "the hostilities," as they were termed, but he called them "the war," with the populous empire of China; and to add to their difficulties they also saw the flames of civil war now raging from one end of the Bengal Presidency to the other. By the two first of these wars, in the waging of which the Government had taken so much pride, the available military force in India had been seriously weakened; and yet, forsooth, they criticised the conduct of their officers, and wondered that General Barnard had not done that which they did not give him the indispensable means to achieve. They talked of voting men and money, of calling out the militia, and then of proroguing Parliament while they were engaged in war against half the human race. When hon. Members returned to their several homes they would have to spend their time as many thousands of their fellow-countrymen were now doing, namely, in waiting with aching hearts for the next mail, which might bring with it tidings afflicting to the heart of many an English family. He maintained, then, that the Government had shown neither watchfulnes, foresight, nor judgment; otherwise they would long since have discovered the real state of things in India. If they were determined to adopt the new policy, which was at least intelligible, they ought to have the 56,000 men who the writer he had previously quoted said were necessary to reconquer India. Although the House had been told by the Government that they had nothing to do but to vote men and money, he trusted that the day was not far distant when the principles and policy by which India was to be governed would be settled and fixed by the House. Whether the principle on which India was to be governed should be something more intelligible, more consistent and more rational than the principle of the existing system, or not, he trusted that the House of Commons, as an integral part of the constitution of this country, would exert its authority, and that its voice would be heard; and he was sure that if that voice was heard it would be for the good government of India and the consolidation of the power of the empire.

Mr. VERNON SMITH: Although Her Majesty's Government, and, I believe, the House as well as Her Majesty's Government, are very anxious to go into Committee of Supply, which is the appointed business for this evening, I cannot let this debate, short and interesting as it has been, pass without entering my decided protest and my distinct denial of the truth of the assertion made by my hon. Friend the Member for Buckingham (Sir H. Verney) and repeated by the hon. and learned Member for Enniskillen (Mr. Whiteside), that Her Majesty's Government are not conscious of the gravity of the present state of things in India. They are perfectly conscious of it, and I believe this House is also conscious of it. I think we may take the moderate and wise speech of my hon. and gallant Friend the Member for Westminster (Sir De L. Evans) as an instance that this House is perfectly conscious of the gravity of the occasion. But I should like to know whether the hon. and learned Member for Enniskillen is conscious of the gravity of the occasion, and whether he really thinks it is worthy of the importance of the occasion, to come down here this evening with scraps out of newspapers which he has carefully collected for the purpose of charging them upon the Government as being manifestoes of the Administration. Why, Sir, I thought on hearing the hon. and learned Gentleman read a letter from *The Times* newspaper, that the signature would at least have been "Palmerston," or that my own name would have been affixed to it, as he appeared to quote it by way of casting a reproach upon the Government; but it turned out that the signature to that letter was "Anglo Indian." He says that the "Anglo-Indian" wishes to put down caste, and throughout the whole of his speech he laboured to show that there was somebody in this country who was disposed to put down caste. He did me the honour to allude to me. He said that I supposed I could sit at my desk and write a little law which would govern India. Where does the hon. and learned Gentleman find proof that I ever had such a notion? He did not adduce the slightest evidence to prove that I ever had any such immodesty or presumption as to suppose that I could sit at my desk and write a little law which could govern India. I have, on the contrary, on all occasions expressed a very different opinion in the House of Commons with reference to the government of India. I have always been as anxious as any man could be to express my opinion that India could not be governed by any such means. I therefore repudiate altogether the assertion of the hon. and learned Gentleman that there is any such scheme on the part of the Government as that of putting down caste and counteracting and destroying all the principles by which we have hitherto governed the people of India. The hon. and learned Gentleman says, and very truly, that this is a sad subject. It is one respecting which he has heard dismal accounts even since he spoke last; and I must say that he has this evening repeated almost word for word what he said on the last occasion when this subject was before the House. There is not a syllable in the speech which he has just delivered which might not be found in the speech which he made on the Motion of the right hon. Gentleman the Member for Buckinghamshire, and which, in my opinion, was a much abler speech than that of this evening. But he has heard sad stories—that is to say, he has heard one or two such stories; but I believe that I have myself heard a hundred such stories for every one that he has heard. And therefore, if inclined to take that tone, I should be just as able as the hon. and learned Gentleman to give sad accounts of the present state of India; but Her Majesty's Government, while they feel sincerely and deeply upon that subject, believe that it would not become them to come down to this House to speak in a tone of melancholy despondency, and excite additional alarm in the minds of all British subjects, with regard to our posessions in India and the misfortunes that are occurring there. I do not think that that would at all become the Government of this country. The hon. and learned Gentleman did nothing throughout the whole of his speech but elaborate all those questions which we have already discussed. I can only repeat what I said on the last occasion, that for all that has occurred in India the whole country is just as responsible as any Government, whether the present, or any of its predecessors. I do not wish to throw any responsibility attaching to a person who holds my position upon any other human being. But if the hon. and learned Gentleman wishes to treat this subject in a philosophic and statesmanlike manner, he should consider what has been passing in this country for the last ten years. The whole of this country has during that period been bent upon what is called the improvement of the condition of India and its inhabitants. We may have been wrong; but every one that ever thought of India has urged upon us the moral and even the religious improvement of India. If we went rather slowly then, we were charged with being impeded by antiquated notions; and if to avoid the reproach of going too slowly we have gone faster, surely it is hard that you should turn round upon us and say—"You have gone a great deal too fast—why did you meddle with these things?" Not only the present, but every preceding Government that has existed since India came into our possession has been constantly charged throughout the whole of England with governing India on too slow and antiquated a system. I think the hon. and learned Gentleman has idly wasted his powers in throwing out general abuse against all persons who have been members of the Government for the last ten or twenty years. When I asked him whether he charged me with being responsible for the present state of India, he said that he did not. He declines to make an attack upon any particular member of the Government, and his declamation has nothing to do with the present Government. But he says for all these things we have no redress and no inquiry. I say, have as much inquiry as you will; but what you have to do at present is to put out the fire which is now raging over India. After you have quenched it, then have inquiry till you sicken of it. I should be most happy to assist the hon. and learned Gentleman in a future Session of Parliament, if he wishes to have an inquiry upon the state of India—if he wishes to have a Committee, if he wishes to bring in a Bill, if he wishes to take any measure by which Parliament can improve the state of India. The hon. and learned Gentleman complains that Her Majesty's Government only come forward to ask for men and money. Why, that is all that can be of any avail at present; and I believe that the hon. Gentlemen who sit on that as well as on this side of the House are perfectly willing to give us men and money for the occasion. On that subject I believe there is but one voice. I really mean no disrespect to the hon. and learned Gentleman, because I have the greatest admiration for the lively eloquence with which he entertains this House; but I cannot help thinking that his object in making a speech on this occasion, just as we are breaking up, is more to afford himself the consolation of thinking that he may be the more pleasantly remembered by us during the recess than to make suggestions for the improvement of the state of things in India. As far as regards the things which he has mentioned he has not shown that great assiduity in obtaining information which I think generally characterises all that he says. For instance, he says that we have committed a great fault with respect to Hindoo marriages, and that our course in that regard has been offensive to the people of India. Is he aware that the Act with respect to that subject arose from a petition very numerously signed by Hindoos? That petition stated, and very fairly and reasonably, that as we had put an end to the burning of widows upon the death of their husbands, it was only right that they should be permitted to marry again—that if we gave them existence by one law, they should not by another law have the manner of that existence interfered with. That change in the law with regard to widows has by no means had the effect attributed to it by the hon. and learned Gentleman. It may be one of those subjects upon which the Legislature has rather invaded the privileges of the Hindoos, but it is not the only one. On the contrary, it merely indicates what has been the tendency of modern legislation. But all of a sudden we have, it appears, found out that we have been going too fast. The hon. and learned Gentleman says that with regard to this outbreak no foresight, no precaution, no activity has been shown on the part of the Indian Government; but I think he is entirely mistaken. The hon. and learned Gentleman says we knew of this outbreak on the 6th of February. [Mr. WHITESIDE: I said the Government in India were aware of it in February.] Well, as soon as they were aware of it the Government of India took the most effective steps to put an end to it. The Government of India disbanded the troops at Calcutta. When we heard of the refusal of the cartridges by the Native army we also heard that punishment had been inflicted for that refusal. There was therefore no reason why the Government in this country should suppose that any outbreak was likely to occur in India. The hon. and learned Gentleman has quoted authorities, most of them anonymous, to prove that the Government ought to have anticipated this mutiny; but I think I may quote as authorities the Governor General of India and the Commander in Chief of India to prove that those vessels which the hon. and learned Gentleman says were so necessary at Calcutta were not at all required by them, and that they did not require the army which he speaks of. The quotation which he has repeated this evening from Lord Canning's despatch to the Government tells for us rather than against us. I do not think it necessary to go through all those other charges which he has renewed against the Government this evening. He brought forward the opinion of Sir Charles Napier—a most excellent authority, no doubt, upon military matters; but I was rather surprised that he quoted his opinions with regard to Delhi, because Sir Charles Napier recommended that there should be a large garrison and arsenal at Delhi. Now, that is one of the greatest misfortunes that we have had to encounter during this outbreak, for Delhi has thereby been made the focus for all the mutineers to resort to. They have there obtained possession of powder and ammunition, which have been the great cause of their being able to sustain themselves against us. But Sir Charles Napier recommended that there should be twelve Native regiments stationed at Delhi; but if we had done so the matter might have been still worse, for these regiments would probably have joined the mutineers. But as regards Delhi there is nothing new in the policy of the Government. It has always been the established policy of the Indian Government not to keep European forces at Delhi on account of the extreme unwholesomeness of the place and its neighbourhood, and still more from fear of a collision between the King of Delhi and the persons around him and the European troops stationed there. I do not think that the hon. and learned Gentleman has in any way sustained his accusations against the Indian Government. I defy any man to point out in any of the documents relating to India any passage showing that my Lord Canning has been in fault on this occasion. I believe that throughout these transactions he has shown the greatest possible judgment. All persons with whom I speak, who are well acquainted with India, say that he has exhibited the greatest vigour and personal courage that could be expected from any man in his position. That I believe to be the undenied and undeniable fact as regards Lord Canning. There may be some expressions of distrust with regard to India in the letters addressed by Sir Charles Napier to Lord Hardinge, but I believe that any man would have been denounced as a madman or a visionary who had hinted that such an outbreak as that which has occurred would occur in India. I believe that that outbreak can by no means be attributed to any want of foresight on the part of the Governor General. I did not expect to be called upon to answer the observations of the hon. and learned Gentleman to-night; but I believe I have now answered most of the points which have been mentioned. I may remind the House that we have already had a long debate upon this subject; and I think any hon. Gentleman who could introduce any new facts or arguments into the discussion must be gifted with great liveliness of imagination. With reference to the observations of the hon. and gallant Member for Westminster (Sir De L. Evans), I must say the Government are most thankful for any suggestions offered to them by one who possesses his military experience, and I only wish that he had gone further and had favoured us with his opinions as to the reorganization of the Indian army—a subject upon which he would be an excellent authority. I am, however, desirous of correcting one error into which the hon. and gallant Member has fallen with regard to the manner in which the troops were sent out. They were not all sent out in sailing ships, and it was not from motives of economy that any of them were sent in sailing ships. A question arose whether screw steamers or sailing ships were best adapted for the conveyance of the troops, and it was thought on the whole most advisable to send many of them in sailing ships, or clippers, and the remainder in auxiliary screw steamers. Twelve auxiliary screw steamers have been sent out, and all the ships are under a penalty to make the voyage in a certain number of days. They will arrive at a period when the climate will be best suited to Europeans; and I hope that, arriving by degrees, and pouring up the country, the disaffected will be astonished at the apparently perpetual invasion of fresh European troops. I believe that the arrival of those forces in India will produce a great effect upon the minds of the Native population. My noble Friend has assigned reasons against conveying troops to India across the Isthmus of Suez, and I may add that I believe the passage of the Red Sea at this season of the year would be attended with the most injurious consequences to the health of Europeans. Considering the impossibility of any previous arrangements, and the difficulty of conveying troops across the Isthmus without such arrangements, it was deemed advisable to send them by the usual route. I can assure the House that the Government are acquitted, in their own consciences, of any neglect to avail themselves of the best means of pouring troops into India. I may observe that, in addition to the European troops, our forces will be increased by a large number of the Punjab levies, consisting of different classes and races, to the amount of some 40,000 men, who will be ready to act against the mutineers, and upon whose loyalty, according to Brigadier Chamberlain and the officers by whom they have been organized, full reliance may be placed. I was glad to hear from the hon. and gallant Member (Sir De L. Evans) a tribute to the merits of the two Lawrences and other distinguished officers in India. They are men in an exalted position, but I could also detail to the House acts of heroism not only on the part of officers of every rank—brigadiers, captains, and young lieutenants, but also on the part of civil servants,—magistrates and others—as would gladden the hearts of Englishmen, and render them still more proud of having such men for their countrymen.

Mr. DISRAELI: Sir, I wish to make a few observations upon the question brought under our notice by the hon. and gallant Member for Westminster, and to recall the attention of the House to the real subject under discussion. At the same time I must say I am rather surprised at the tone assumed by the President of the Board of Control in reply to my hon. and learned Friend (Mr. Whiteside). It is not, I think, at all surprising that, in the present emergency, my hon. and learned Friend, or any other Member of this House, should seize upon an opportunity of dilating on the causes of the state of affairs in our Indian empire, and denouncing the system of misgovernment which has there existed. But what is the rejoinder of the right hon. Gentleman? He says:—"I object to such comments, because you are not making this a party question. Your criticisms apply not only to the present but to preceding Governments. They don't touch me any more than other people, if so much. Do not waste your time in adducing arguments to show that a most important dependency of the empire has been misgoverned, but make a party attack." Why, we are always told we are making party attacks; it has been said that the House of Commons is converted into a scene of party warfare; but when an hon. Gentleman, speaking with knowledge and feeling upon the subject of India, tries to discriminate the causes and reasons which have brought about the present portentous state of affairs, he is complained of because he is not making a party attack. I think the House is much indebted to the gallant veteran (Sir De L. Evans) who has called attention to this subject. It is one that ought to occupy our attention, whatever may be the pressure of public business. Indeed no public business can be more pressing. I cannot say that the answer of the noble Lord (Viscount Palmerston) was so satisfactory as I could have desired. I must observe of the noble Lord's reply that he underrated our danger in India, and overrated the disposition of Europe; and these are very dangerous sentiments on the part of a Prime Minister of this country. I agree with the hon. Baronet the Member for Buckingham, (Sir H. Verney) that the state of affairs is most grave; and I think it is much to be regretted that from the first, on the part both of the Government and the country —the country, of course taking its tone from the Government—there has not been a due sense of the vast and imminent danger to our empire and to our national power, which, in my conscience I believe to exist, and which, though it ought not to appal us, is one for which we should be thoroughly prepared. I think there is no mistake so grave on the part of a Minister as to undervalue public peril. Certainly there is no graver mistake an English Minister can make. The English nation is never so great as in adversity. In prosperity, it may be accused, and perhaps justly, of being somewhat ostentatious, and, it may be, even insolent; in its middle fortunes it may often prove itself unreasonable; but there never has been a time when a great sense of responsibility has been thrown upon the people of this country when they have not answered to the occasion, and shown that matchless energy which has made, and will maintain, their position as the leading nation of the world. The opinion of the noble Lord, however, seems to be either that the emergency is not so great as I believe it to be, or that if it is so we should veil its hideous proportions from the people of this country. In either case I think the noble Lord's opinion is erroneous. The noble Lord says to-night:—"This is an affair of pounds, shillings, and pence. We are going to do something; but more we cannot do, because we must look to the resources at our disposal." Now, that is not a proper tone to take. If the noble Lord really believes the empire is in danger, it is not becoming in him to say that the resources at his disposal are limited, and that the measures that he adopts in such a great emergency must of course be of a proportionate character. I don't want at all to re-open the controversy which I raised about a fortnight ago when I introduced the subject of India. The views which I then expressed were not lightly assumed, nor can they be answered by the incidents of the hour. Time and thought must be the test of their soundness and authenticity. But as the question has been re-opened both by my hon. and learned Friend and by the right hon. Gentleman, I may be permitted to make one or two observations. I think I have a right to say that nothing that has occurred since that debate—none of the information which has reached us from India—has at all refuted the views I then, with great humility, placed before the House. Upon that occasion the right hon. Gentleman (Mr. Vernon Smith) took me to task because I had endeavoured to point out the causes which had led to an understanding between the Hindoo and Mahomedan Princes, and because I had intimated that they were dissatisfied with the Government of India. The right hon. Gentleman then said that no proof whatever was in the possession of the Government that any such feeling existed on the part of the Native Princes, and that I had deprived the Government of one source of solace—their confidence in the disposition of the Indian Princes. Well, what was the news brought by the next mail? We learnt that those very Indian Princes, whose contingents, we were told, had been placed at our disposition, had joined the rebels against us; and in one of the papers recently placed upon the table, I find a letter from General Hearsey, stating that emissaries of the Indian Princes were in the ranks of the army. I ventured to say, on the occasion to which I refer, that I believed we were making a great mistake in treating this merely as a military mutiny. I will not enter into that question, but among the papers laid on the table yesterday I find a despatch from the Lieutenant Governor of the North West Provinces—a man of the highest reputation, whose policy, though it may in some respects have been blameable, has upon the whole, I believe, been wise —containing a telegraphic message, in which nothing but the most necessary and urgent information is communicated; and he speaks of disaffection in the great mass of the population, stating that it has reached even to the intelligent classes. I ventured, when this subject was formerly under discussion, to call the attention of the House to a subject to which my hon. and learned Friend has referred—namely, the "tampering," as I expressed it, of the Legislative Council of India with the religious prejudices and opinions of the people; and I said there could be no doubt that, from an aggregate of circumstances, great prejudice had been excited in the minds of the population of India. In the Minute of the last Governor General of India—the celebrated Minute of 280 paragraphs—there is in page twelve and paragraph four a very brief announcement much in this fashion:—It is announced as a certain fact of very great significance that the young Prince Maharajah Dhuleep Sing had entered into the Christian community; and it is announced also as a matter of great significance that the daughter of the Rajah of Coorg had been baptized, and that our gracious Sovereign was her godmother. This was translated into the Indian papers, and circulated in every bazaar; and, with such evidence, combined with many other circumstances to which I will not now advert, but which are familiar to the House, who will say that the Government of India is exempt from that grave charge I have mentioned—grave, not for its intrinsic character, but for the awful consequences it has entailed on this country and on India? But I doubt very much whether the noble Lord, having underrated our position in India, is adopting measures of adequate importance to meet the present state of affairs. He has mentioned the troops which may be expected soon to assemble in India and the resources on which he counts. He says, if more should be wanted, he can call Parliament together, and can appeal to the House of Commons and the country; and no doubt he will then obtain sufficient support to undertake any other measure that may be required. But what I want to impress on the House is this—the present year is gone. This is the first campaign, and, of course, from the nature of the circumstances—from the surprise of the whole affair—a most disastrous campaign. The gallant General has indulged in the hope that Delhi is taken. I do not indulge in that belief, and I think it unwise that a person of the gallant General's authority, unless he has strong reason for the conviction, should give weight to such a rumour, because I conceive that you will never get the people of this country to brace up their energies to the necessary point if they suppose that the next mail will bring intelligence of some event which will induce them to rank this affair with a Chinese or Persian war.

Sir DE LACY EVANS: I did not express any confidence in the event alluded to.

Mr. DISRAELI: It is not my wish to misrepresent the gallant General, but I think it is much better to leave the impression that Delhi is not fallen, or will not fall easily, in order that we may be ready to meet that probable result by a preparation of our resources accordingly. We will assume, for it is probable, that in the present year we shall do nothing. The commencement of the next campaign will be in November. Now, what I wish to impress on the House and the country is, that everything depends on the next campaign. All Europe and all Asia will watch your efforts; and, if your efforts and energies are adequate, commencing in November, the opportunity will be at your command, and you may save your empire and establish it with renewed force and vigour. But if in the next campaign you have varying fortunes, and nothing determined and decisive—if it is to be an affair of campaigns, and you enter into a third campaign, you will then find other characters on the stage, with whom you will have to contend, besides the Princes of India. The noble Lord says the business of a Minister is not to underrate the danger, but, at the same time, he ought not to take an exaggerated view of it. That is one of those platitudes which really convey no meaning; but I maintain that it is the duty of a Minister to make himself thoroughly master of the circumstances with which he has to deal, and to form a sound and prescient opinion on what may occur. We have had before great trials—we have been despoiled of rich territories and seen our empire shaken; but surely in the past we might see some vision of the future, if the present is to be governed by negligence and indifference, and by a Minister who systematically depreciates the danger he has to encounter. The other night you passed a Resolution that you will rally round and support the Crown in the present danger. What good does a Resolution of that kind? A Resolution formed after due deliberation—formed upon ample knowledge of the subject—a Resolution of such a nature doubtless gives moral support to the Minister, and lends strength to the Crown; but a Resolution, the creature of perplexity and ignorance, does no good to the Minister, and adds no strength to the Crown. It really does harm, because it conveys throughout the country the notion that the House of Commons is doing something when in fact it is doing nothing. At the commencement of our American troubles, there never occurred a disaster or a danger but a Member of Parliament was at hand to propose a Resolution of confidence in the Minister, or for the support of the Throne; and what did it all end in? The course of events will always baffle mere words; and a Resolution of the House of Commons, unless it embody a policy, and be the expression of an assembly which knows what it is about, gives no strength to the Minister, and only misleads the nation. That is the position in which we are placed at the present moment. There is not in the House, or in the country, a due sense of the gravity of the emergency. Viwed by itself, it would require our utmost energies to meet; but he who views the present state of affairs in an isolated manner is unworthy of being the Minister of this country. I heard with great pleasure from the right hon. Gentleman (Mr. Vernon Smith) that a large body of irregular troops was coming from the Punjab to assist us in our campaigns. I am disposed to be generally sanguine, and I have little doubt that, under the guidance of the energetic and able men that our military force still possesses, we may expect very beneficial results from that movement. But if we could combine with that movement an expedition up the Indus, then success, I think, would be certain instead of problematical; and you may rely on it that, unless your operations in the next campaign, on which all depends, are on a great scale—unless you throw the lion's paw of England over the whole of the Peninsula, by advancing from the Punjab on one side, and by ascending the Ganges on the other—unless you act with that decision and on that great scale, it is doubtful whether you will effect your object. I do not say that the resources you indicate will allow of operations of that kind; but I do not think that anything should be left to chance, and your expeditions should, therefore, be on a great scale. The noble Lord says that it is difficult to induce men to enlist. The ordinary motives for enlistment are supplied by bounty and pension; but depend upon it that one means by which, more than by any other, you may induce men to enlist in the service of their Sovereign, is by impressing on them that their country is in danger. The moment you raise in the country a high feeling, you will find that you have a motive power which will effect your purpose as forcibly as bounties or pensions. The people of this country, however, do not understand the danger in which they are placed. The scene is remote from them; they listen to persons in high places, from whom they naturally take their tone, and they infer that the country is not in danger. How was this awful business related to us? The President of the Board of Control got up and told us that the Governor General of India wrote in high spirits; and the right hon. Gentleman is now irritated because the conduct of Lord Canning is criticised. Men in his position naturally find their conduct criticised. I am not disposed to speak of Lord Canning with any severity. He has had little experience in India, and is little responsible for the present state of that country. I am willing to believe that he has displayed some energy in the present state of affairs. It is some consolation to see that there is anybody who displays energy; and therefore do not let us grudge to him the credit which that noble virtue should command. But no one can deny that Lord Canning was caught napping, and that his first measures showed irresolution and vacillation—from no moral defect, perhaps, but rather from the position in which he was placed. I cannot shut my eyes to the fact that Lord Canning is very little responsible for the state of affairs in India; but he is surrounded by men who have created that state of affairs which has resulted in such disaster; they are the very men who have been the prime councillors during the last ten years, and they are the very men whose conceit and arrogance have endangered the Indian empire. We must not repose, then, with confidence on Lord Canning, when the Council of India is composed of individuals who are the chief criminals, and who ought to be called to account for the present state of affairs. We must remember that the Governor General of India is not an isolated individual, and that when we criticise his policy we criticise the policy and conduct of those who, as it were, have been bred and born in that very system which has broken up with—I will not say such fatal—but with such humiliating and disastrous consequences. With these general views I am of opinion that the noble Lord has altogether, from the first, underrated the state of affairs in India; and I cannot agree with the noble Lord—although I should not have introduced the subject—in his views of the disposition of the European Powers. I should have treated the subject abstractedly; I should have said that I could only suppose that the great Powers of Europe would behave, probably, at a moment of danger and emergency to England, as the great Powers of Europe have behaved before. What is the state of affairs? What has happened within the last few days? What was it that induced me to make the inquiry of the noble Lord to-night about the strange proceedings that have happened at Constantinople? Why, if it had not been for the absorbing interest which the state of India commands, you would have had a much more agitated Parliament about what has taken place in Constantinople than about what has occurred in India; while out of doors, no doubt, you might have excited much more public passion and feeling than at present. All this, however, is now hushed over; and though I was told to-night, and have heard with great satisfaction, that those circumstances will lead to no estrangement between England and France, I only understand that that is so because the noble Lord has renounced the whole of his policy, and has, in a manner which I think must astonish every one, absolutely agreed that all that arrangement by which he has been agitating that part of the country in so unsatisfactory a manner for a very considerable time, must at once be cancelled and blotted out from the record of his political deeds. We are in a position of perfect and complete alliance with France because, under the pressure of circumstances, we have entirely changed our policy. Yet the noble Lord says that there is nothing in the disposition of any European Power which ought to occasion us the least annoyance. Sir, I would not trust the disposition of Powers more than the disposition of individuals. When men are in great estate, possessed of all the accidents of fortune, and living in the sunshine of perfect prosperity, they have a great many friends who have confidence in them, who admire them, who compliment their courage, their "pluck," and their power; but when the hour of disaster comes—when we lose our fortune and our high estate—when we are supposed to be in great perils and difficulties, it is astonishing how those individuals will walk on the other side of the way and pass us unnoticed, or, if we appeal to them for character and support, how they will either refuse to know us or will say something, probably, that will be to our disadvantage. Sir, I have more confidence in the spirit of this country, so high as it is at present, and in its resources—so ample as they now are, if wisely administered—than I have at this moment in any European alliances, or in any policy which would depreciate the real dangers that we have to encounter in our own dependencies. We must meet those dangers with stern, unbending courage. Our resources must be upon a greater scale than they have yet been stated in the expanding project of the Government. Each week, indeed, they seem to take a more serious view of the situation; but the original vice of the mean and small conception with which the intelligence of these disasters was first received still is impressed upon all their plans. They are not large enough, or deep enough, or comprehensive enough. If we get into a third campaign—which will be the inevitable consequence of our not availing ourselves of the resources of the country in a proper manner—depend upon it we shall be on the eve of a great disaster for England. At present it is my solemn conviction, that, if we make up our minds thoroughly to combat the difficulties which we have to encounter, we must bring an irresistible force into India before eight months are over, and we must accompany that irresistible force with some announcement of a policy which 150,000,000 of people may rally round with confidence and hope. So acting, it is my conviction that we may emerge from this struggle, not with shorn powers, not with diminished lustre, but with that increased character which always accrues to those who show that they have confidence in themselves, and that they possess energies which they know how to use with effect. Then, Sir, we may still hold India, we may still maintain our empire, and we may continue to enjoy those amiable dispositions of foreign Powers in which the noble Lord has so much confidence.

COLONEL SYKES said, he had abstained hitherto from any expression of opinion upon the lamentable events which had taken place in India, because he thought that the time had not yet arrived when the discussion of them in that House could have any profitable result, although undoubtedly the time would come when it would be necessary to discuss the origin of all the circumstances which had occurred. And he would not now have trespassed on the House, but that he had received a letter which afforded gleams of hope from a gentleman who had risen to the highest distinction, both as a soldier and as a politician, by the force of his character—he meant Colonel Edwardes, the hero of Mooltan. The letter was dated Peshawur, June 12, and he would read a few passages to the House. In the first place, Colonel Edwardes said—

> "The consoling feature of this terrific mutiny is, that the soldiery have met with very little sympathy from the people of any part of the country. Here and there an apparent unanimity of mutiny and end of all Government has raised the loose characters to plunder and license; but as a rule the country has not stirred. This is a glorious reply to those who would fain make out that our rule is not a good one in India, and here at Peshawur, where fanatic and predatory races surround us, and where hundreds of priests are secretly plotting our ruin, the people have stood aloof from it all."

Again, he said:—

> "Religious fears and religious hatred have caused this frightful rebellion, and political causes will be sought in vain."

He went on to state that the Hindoo Sepoys, Brahmins, and Rajpoots were beginning to believe, owing to the Mahomedans at Delhi having shown their ancient feeling of hatred and oppression towards the Hindoo races, that they had been made tools of by the Mahomedans. That was one of the brightest features in the whole matter, since it at once separated those two elements, which, united, were most formidable, but which, disunited, afforded well-grounded hopes for the future. Colonel Edwardes mentioned, also, a very curious incident with regard to the mutiny at Jullundur. He said:—

> "At last the troops here have gone openly into mutiny, but in a strange, disunited kind of way. The guards brought the treasure and delivered it up to the authorities, while the rest of the corps broke out."

The letter was too long to read *in extenso*, although there was scarcely a word in it which was not of very high importance as proceeding from an individual whose acquaintance with India was so thorough, whose judgment was so sound, and whose energy of character had been so remarkable, both upon former occasions and in the present emergency. Colonel Edwardes was now, by his own authority, organizing bodies of troops from among the hill tribes and others who were showing themselves ready and willing to perform loyal service to the British Government. Accompanying Colonel Edwardes's letter was an extract from another letter, dated 13th of June, from Huzara, a formerly disturbed part of the country, in which the writer said:—

> "The people here are most loyal; all flocking in and offering to stand by our sides, or go anywhere to help."

It had been stated that the authorities in India and the Government at home ought to have been thoroughly prepared for and to have anticipated the frightful outbreak which had taken place; but upon that subject he had heard a letter read the other day from one of the highest and ablest officials in the Government of India, in which, quoting from memory, occurred these words:—"The people of England will say that we ought to have been prepared for this outbreak. Our reply to the people of England is, that they might just as well have expected us to have been prepared for an outbreak of cholera, or an earthquake, so sudden, so unexpected was it." He (Colonel Sykes) entirely concurred in that opinion. Since the battle of Plassey, 100 years ago, the very same thing might at any time have occurred in an army of Brahmins and Rajpoots had the same religious chord been imprudently touched; but it had been carefully avoided. The mutinies which had taken place had been on account of the pay of the men, or on their being ordered on foreign service contrary to their terms of enlistment; or questions similar. There had been no outbreak against the Government during that period, and never had they lifted their hands against their officers in combination before. On the contrary, those men had fought in a hundred battles and gained us a hundred victories, always showing the utmost readiness to support the honour of the British arms. They had reduced to our sway a great portion of British India; but if there had happened to break out among them at any time during those 100 years any frantic delusion like the present, which had spread from station to station, the same disasters would have occurred as those we now deplore. The Sepoys believed that an attack was being made on their religion—a belief entirely unreasonable; but in cases of fanaticism it was utterly impossible to apply the rules of reason. The proof that there existed no concerted plot among the Sepoys against the British Government was to be found in the simple fact that the mutiny crept so slowly from station to station. Thus, so far back as the 26th of February, the 19th Regiment at Berhampore refused to use the cartridges, and was disbanded at Barrackpore on the 31st of March. The men, too, did not rise against their officers. They said, "We will go to any part of the world against an enemy, but we are prepared to die rather than lose our caste." Hon. Gentlemen acquainted with the history of the Middle Ages would know what was the meaning of excommunication. When the Pope, in the plenitude of his power, excommunicated an Emperor, he could not find one of his subjects even to do a menial office for him. Now, what excommunication was in the Middle Ages, that loss of caste was to the Brahmin and Rajpoot in the present day. Every Sepoy who put one of the greased cartridges into his mouth became a degraded being in the eyes of his fellows; his own mother could not touch him, nor his father or brother eat with him. Was it to be wondered, then, if the Sepoys would far rather brave death than submit to such degradation? He did not come forward as the apologist of these men; he was merely showing how their conduct was to be accounted for. Would the Sepoys have lifted their hands against their officers at Meerut had common forbearance been exhibited towards them, or if a thorough knowledge of the Native character and prejudices had been possessed by the controlling authorities? The facts were these:—The skirmishers of the 3rd Cavalry, one of the finest regiments in the Bengal army, ninety in number, or fifteen from each troop, were ordered to parade and use cartridges, which they were assured were ungreased. This was on the 23rd of April, twenty-three days after the 19th Regiment had been disbanded at Barrackpore. The men did not believe that the cartridges were harmless, and they begged their Native officers to go to their European superiors and ask that the matter should not be forced to a crisis; for they said that "if we use the cartridges, we shall be looked upon as criminal by our co-religionists, and shall lose our caste." Their wishes were favourably viewed in the first instance; but the better feeling of the officer in command was overruled by another officer of the regiment, who said, "If you give way, the men will say you are afraid of them." The parade was then ordered. With five exceptions the Sepoys refused to use the cartridges, and for this disobedience of orders and mutiny (for mutiny, of course, it was), they were sent to their lines, but not placed in confinement. There they remained for three weeks, when an order came down from General Anson at Simla that they should be tried by court-martial. This was accordingly done, and these eighty-five men were sentenced to ten years' imprisonment in irons with hard labour. The next day they were paraded before the assembled troops of the station, irons were placed on their legs, and they were sent to the common gaol among 1,400 felons. This was on the Saturday. The remainder of the Native troops, of course, thought that their fate would be the same, as they also must necessarily refuse to bite these disastrous cartridges; and on the Sunday the disturbances took place. The men turned out in the first instance with sticks, went to the gaol, and released the eighty-five prisoners, but unhappily, at the same time, released 1,400 felons. Now, he (Colonel Sykes) had commanded a regiment of the same class of Sepoys in the battles of Rirkee and Poona—at several sieges, and during a march in the monsoon, under trying circumstances, and he knew something of their temperament and feelings, and he could not help hoping and believing that the atrocities committed during the outbreaks had been committed by the escaped felons. At Allahabad 3,000 of these jail birds had been released, and he firmly believed that it was by them that the horrors had been perpetrated which had filled this country with indignation and disgust.

Under all the circumstances of the case, he did not fear for the result. He repeated that he did not in any way offer an apology for the conduct of the Sepoys. They had mutinied, and they must take the fearful consequences. All he said was, that the mutiny had been occasioned by one of those frightful delusions that might have occurred at any time. It was like one of those tropical storms which burst so suddenly and which were so disastrous in their effects, but which were of short duration; and, in like manner, it might be hoped that after this unhappy mutiny was trampled out, as it must be, the horizon would be cleared and there would be a bright future. He was glad to be able to express his opinion that the number of European troops which it was proposed to send out would be sufficient for the purpose of quelling the revolt, but he trusted no Gentleman in that House or in the country would be mad enough to suppose that India could be ruled by European troops alone sent out from this country. It was idle to suppose that our little islands, with their 28,000,000 of inhabitants, could give a perennial supply of troops sufficient to keep in subjection 181,000,000 of people. Such a notion was utterly irrational, and any attempt to put it into practice would ruin India, and prove permanently disastrous to England.

LORD JOHN RUSSELL: Sir, I feel bound to notice some of the arguments of the right hon. Gentleman opposite (Mr. Disraeli). I regretted the able speech which he made on a former night, and I certainly regret, too, some of the assertions he has just made. The right hon. Gentleman says that a Resolution of this House to support the Crown in the efforts it may have to make and the measures it may have hereafter to take for the pacification of India will have no moral force. Sir, my opinion is entirely different from that. I agree with the sentiment which has been lately enunciated by a gentleman (no lover of war) who, I am happy to say, is again a Member of this House—I mean the hon. Member for Birmingham (Mr. Bright)—who says that the first thing to be done at present is to prevent anarchy, and suppress revolt, and that then, having done this, we should turn our whole attention to remedy any evils which may exist. That seems to me to be the right course to pursue. The hon. and gallant Member who has just sat down says that there has been a sudden belief among the troops of high caste in India that the Government is attempting to induce them to do that which is contrary to their religion and which would make them lose caste. I cannot, however, think that when we come to examine this subject we shall find the movement so sudden as he supposes. I should rather collect from the steps which Lord Canning has taken that his impression is, that one of the Native Princes at least is concerned in this matter; that it is likely there was a general conspiracy for the purpose of subverting British power in India, and that, as one of the means (this being not at all the origin and cause of the mutiny), they have endeavoured to inspire the troops with the belief that their religion was in danger, and that they were to be deprived of their caste through the cartridges they were required to use. The right hon. Gentleman, in speaking of this question, compares it with the American war. I believe there is no similarity between the two cases. We had in North America to deal with a people of British origin, and we insisted upon payments from them which they conceived were inconsistent with their rights as colonists and with the charters granted to them. We were completely wrong in that quarrel, and those who in this House supported the Minister supported him in a course of injustice, which led finally to the separation of America from this country. The right hon. Gentleman takes it for granted that those who have conducted the Government in India for the last ten years, and those who have counselled Lord Dalhousie, are criminal. I will take for granted the truth of no such assertion. I admit that the whole course of our Government in India does deserve the most patient consideration and the most deliberate inquiry. It may be that errors have been committed; but, for my part, I am inclined to believe that in spite of those errors a great amount of good has been imparted to the people of India by our Government, and I believe, at all events, that the intentions, whether of the East India Company and its Directors, the Board of Control, or the Cabinet of this country, have been as benevolent as those of any Government that ever existed. It may be that the hon. and learned Member for Enniskillen (Mr. Whiteside) is right with respect to particular laws. It may be that we shall have to retrace our steps. But I own I cannot for myself take it for granted that the Government of India has been an oppressive Government. I cannot agree that the case which the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) evidently endeavours to make out—namely, that this is a just and righteous revolt, inspired and animated by a desire to get rid of a tyrannical Government, will be made out. That, I believe, will not be borne out by an examination of facts. But again I say, that the first thing to consider is the manner in which this revolt can be suppressed. I believe, as Mr. Bright believes, that anarchy would take place in India if we were not successful. Therefore it is for the Members of this House to consider—more especially for the Members of Her Majesty's Government to consider—what are the means by which it may be suppressed, and what are our prospects of suppressing it. In reckoning upon the prospects of success (the mutiny, whether wisely or unwisely, not having been foreseen), I should say it was natural that the first success should be with the mutineers. Where regiments of several hundred men are drawn out, and there are but three or four European officers, the murdering of those European officers is a task of little difficulty. With 200 or 300 Europeans against some thousands of mutineers the mutineers would naturally have the first advantage, and would be able to march off with their arms and to use these greased cartridges, which one of the officers says they have no scruple in using against the Europeans. But when that first success has been gained, when the horrible scenes of which we have read the details, to our infinite disgust, have taken place, when the mutineers are collected together, we may then fairly consider what are their further prospects of success. Let us recollect that we have on one side an organized Government, the representative of an ancient monarchy, the representative of a monarchy which has all the advantage of a free people to support it, and all the organization of which a civilized community can boast. On the other hand, it is not at all probable that this puppet King of Delhi should have any organized plan of action. It is not likely that the military would be immediately obedient to the civil power, or that the civil power would be able to restrain the excesses of the military. Many must be disgusted by the plunder which will take place. Those who are engaged in trade and commerce at Delhi and other towns will find that the rule of a licentious soldiery is oppressive and injurious to their lives and peaceful possessions. The Mahomedans and Hindoos will hardly long agree in the same object. The Hindoos are afraid of religious persecution, and they believe that with a Mahomedan rule restored they would not have religious freedom. With these apprehensions we may fairly calculate upon dissensions and discord among those who have the first success and the first triumph. Troops will be arriving weekly in India, and I trust that the gallant General sent out there—Sir Colin Campbell—who has won laurels on former occasions, and is worthy to be associated with those who have been mentioned with honour to-night, will be able to collect together a force which will suppress at least the mutiny, wherever its head-quarters may be. As to pacifying the whole country, that must be a task of time, a task of great cost, and a task requiring the utmost vigilance of the Governor General and the military commander. But, with the hon. and gallant Gentleman (Colonel Sykes) telling us, upon the authority of Major Edwardes, that the people generally do not side with the Sepoy soldiers, I cannot but think that the means of restoring tranquillity will speedily be found. If that is the case, it seems to me that our first duty, in the short remainder of the Session, is to assure the Executive Government that support will not be wanting to their efforts; and I cannot agree that it is a matter of indifference, or that it lacks moral force, if Gentlemen on the opposite and Gentlemen on these benches declare their readiness to give that support to the Government. I believe, on the contrary, that in Europe and in India such a declaration will have a great effect. Measures have already been taken by Her Majesty's Government, and although it is impossible for me to pretend to criticise with any justice, yet I must say it caused some disappointment to me to find that we had no other means of sending reinforcements to India than the means which might have been very proper a great many years ago, of sending troops in sailing ships. We all know that of late years mechanical improvements have enabled those who have the command of troops and those who have the command of the sea, and enabled ourselves on a very recent occasion, to perform wonders of which our ancestors were entirely ignorant. We know that in Egypt there are means of conveyance by railroad. We know that large screw steam men-of-war have lately been employed at sea, and that they can carry men with greater certainty and in less time than sailing ships. The Government, no doubt, have considered these things; but I must say it is a disappointment to me to find that these mechanical inventions, the overland route, and steam line-of-battle ships, do not appear to have added at all to our means of reaching the scene of revolt. My noble Friend at the head of the Government said it would have been necessary that ships should be sent to Suez. What I wonder at—ignorantly perhaps—is, that when they first heard of the mutiny the Government did not write to India and say that if ships were sent to Suez by a certain time a certain number of troops should arrive at that time. If they had done so, the ships would have arrived already at Suez, and troops from Gibraltar or Malta could have arrived at Suez at the same time. I am convinced, so far as the moral impression is concerned, that 5,000 troops arriving suddenly, very soon after the revolt had become known, would have produced a very great effect. Still, I can have no doubt that the Government are taking steps adequate to the occasion, and that they will find the 30,000 troops of which they speak a sufficient force for the campaign in November. I quite agree with the right hon. Gentleman opposite that this country is sometimes too little forbearing to neighbours in prosperity; that she always shows to great advantage in adversity, and that when an effort is to be made, nothing can be more admirable than the spirit, the courage, and the readiness of the people, and their contempt of all other considerations but the immediate object of crushing the influence to which they are opposed. I further agree with the right hon. Gentleman that instead of the course which we remember was taken with respect to China, exaggerating in every way the insult done and the necessity of prompt and vigorous measures, the Government in this case have rather sought to diminish the danger and to represent it as not so serious as was imagined. If that were done as a policy I can only say it is a very mistaken policy, because the more the people of this country are convinced of the danger the more ready will they be to rally round the Throne, and to bear any sacrifice which they may be called upon to endure. There is one subject which has been mentioned this evening, upon which I have not heard any explanation. The hon. and gallant General, who deserves our thanks for having brought this question forward, touched upon the financial efforts which will be necessary. From all accounts received from India, it appears that not only at Delhi, but at many places where treasure was collected, that treasure has been seized. So much for the taxes already collected. With regard to the taxes to be collected, it is feared there will be the greatest irregularity, not to say total suspension, of payment in a great part of the country. The East India Company have these troops sent to them, and it is a sort of consolation which we give ourselves from time to time, that the troops gone to India are now at the charge of the East India Company. That the Consolidated Fund will be relieved might, in ordinary times, be a source of consolation; but I own that at present I think it would be more patriotic if we were to look at this subject as pertaining to the empire as a whole, and if the Government were to profess their readiness—perhaps they have professed their readiness—to come to the aid of the East India Company, in any financial effort which may be necessary. Unless they do so, I cannot see how the ordinary payments are to go on in India, much less how advances are to be made in this country. I think it is desirable that the machine of government should not be interrupted. In no part of a great empire like ours ought it to be said with truth that our troops are unpaid, that our civil servants are unable to find stores, and that all the vast and costly preparations which are necessary for the carrying on of hostilities are in danger of failing in any degree from the want of pecuniary means. The East India Directors are fully aware of their own situation. It is for them to say what probable wants they may have; but I trust that, if they do make any representation of that kind—even although it might be necessary to bring in some new Bill during the present Session—the Government will not hesitate to give them all the assistance they may require. It will be a matter for the future consideration of Parliament what part is to be borne by this country and what part by the East India Company; but at present there is a serious danger which we ought to meet by every means in our power. Whether it be troops, whether it be ships, whether it be money, there ought to be no part of this danger overlooked by those to whom the destiny of England is entrusted. One word with respect to the position of affairs in Europe, and I have done. I do not think the right hon. Gentleman the Member for Buckinghamshire has accurately represented the statement made by my noble Friend at the head of the Government at the commencement of this discussion. I did not understand my noble Friend to say that he entirely relied upon the tranquillity of Europe or the amicable disposition of all Powers towards us. I understood him to say—and I thought the observation a just one—that even if any Power in Europe were hostilely disposed towards us, it would probably reflect that, in the event of its offending us, although the retort might not be immediate, yet this country has strength sufficient to revenge any insult to which it may be exposed, and that such a Power might find itself a sufferer from the incautious manner in which it had provoked our resentment. That I understood to be the sense of the observation made by my noble Friend, and I thought it was well calculated to protect us from insult. But, in the midst of all these great affairs, I do hope that we shall not allow, and that the Government will not allow, diplomatic squabbles to interfere with the important interests of the empire. It was agreed at Paris last year—whether the resolution was a wise one or not is a question which cannot now be discussed—that divans should be assembled in Moldavia and Wallachia, in order to express the wishes of those Principalities as to the future form of government; and Lord Clarendon stated more than once in the Conferences, that it was desirable to ascertain precisely, by an exact representation of the people, what those wishes were. Let them, therefore, be fairly ascertained. If there is any doubt about the regularity of the elections, let that doubt be satisfied. Let us not put ourselves forward as the defenders of imperfect or fraudulent elections, but let us agree with the other Powers of Europe in saying that the Moldavian and Wallachian elections ought to be fairly and freely conducted. I am afraid that the rivalry of professional diplomatists has in the present instance, as in many others, been the source of a good deal of mischief; and I am glad that the Emperor of the French, who on this occasion, as frequently before, has shown both the fidelity of his alliance with this country and his wisdom in meeting the emergencies to which he is exposed, has made the matter plain, and that we have surrendered the point in dispute. I trust that we shall hear no more of this unfortunate transaction; and if we let it be known that we are not disposed, in order merely to gratify the pride or vanity of some of our agents abroad, to engage in a quarrel, with which neither we nor our Government have really anything to do, and in which none of our interests are involved, then with the strength and the name of England I certainly am not apprehensive of any European quarrel arising out of these matters. I am sure that the question of India is one of sufficient magnitude to occupy the whole attention of our Government. As far as I can see, this House has shown its readiness to support Ministers in suppressing the revolt of the Sepoys, and I believe it will be equally ready, when the proper time comes, to investigate and redress any grievance or any evil of which the people of India may have reason to complain. Those 180,000,000, to whom an hon. Gentleman has referred, have called upon us to give them a good and just Government, and we have no right to attempt to govern them unless we do so with justice and for their benefit. I believe that such is the wish of this House. I believe that, as soon as this unhappy revolt shall have been suppressed, we shall see every disposition to investigate the evils which are alleged to exist in India; and I do trust that, whenever we discover any well-founded grievance, we shall be unanimous in seeking to supply a remedy.

Mr. DISRAELI: I wish to make an explanation. The noble Lord has imputed to me certain words which I never used. He has represented me as saying that the revolt in India is a just and righteous revolt, or as endeavouring to make the House adopt that opinion. I never used those words, and I never attempted to induce the House to adopt that opinion. My opinion is that this is a foul rebellion—not a just revolt; but I do not think that even a foul rebellion can occur without a cause, and I have endeavoured to trace and to characterize with accuracy the causes which have led to the disasters we all deplore.

Lord JOHN RUSSELL: I alluded to the word "criminal," and some other expressions of the same nature which the right hon. Gentleman used in speaking of persons concerned in the Government of

India. I am glad, however, to have drawn from the right hon. Gentleman an avowal of his opinion that this is a foul rebellion.

MR. DISRAELI: The noble Lord has confounded two speeches made at the interval of a fortnight. In one of them I certainly used the word "criminal" with reference to counsels which I believed to be of a criminal character in so far as they have brought about such dangerous consequences as those which we now behold. What the use of that expression has to do with my opinion of the rebellion in India, or with the statements imputed to me by the noble Lord, I cannot understand.

TENURE OF LAND (INDIA).

OBSERVATIONS.

MR. H. A. BRUCE: Sir, I rise for the purpose of requesting the attention of the House to a matter of considerable importance, affecting as it does not only the character of an eminent deceased public servant, but also the character of a great public body, and the trustworthiness of documents furnished by them for the information of the House. It will be in the recollection of the House that on the 18th of June last, on the Motion of the hon. Member for Dumfries (Mr. Ewart) a return was made on tenures of land in India by the Directors of the East India Company, in order to illustrate the subject of the growth of cotton in India then under the consideration of the House. The return contained much interesting matter in a small space; but, unfortunately, instead of being confined to the subject of tenures of land, matter utterly irrelevant had been introduced into it, for the purpose, apparently, of reviving calumnies which I hoped had been forgotten, against a distinguished man whose name had been frequently mentioned in the discussion just ended — I mean the late General Sir Charles Napier. The calumny to which I refer imputed to that gallant General, that having conquered Scinde and identified his reputation with the policy which led to that conquest, he had endeavoured to enhance its value by unfair means and deceptive representations; that grain being the main revenue of Scinde, he had taken advantage of his position to sell it to a starving people at high prices; and had also supplied it to the Commissariat at exorbitant rates, and by these means given a fictitious importance to the revenues of the conquered territory. That was the calumny. I will now read the extract from the return, of which I complain:—

> "In Scinde, not many years ago, the revenue throughout was collected in grain by actual division of the crop; the grain was then sold by reserved auction at artificially high, and sometimes even at famine prices, by the Government, as the great grain dealers of the country. The natural condition of the market thus directly interfered with by the Government, was yet further forced by the circumstance of the Commissariat drawing the grain required for the troops at *nominal* prices from the Government grain stores. Great progress has been made in superseding this objectionable system by cash assessments, which have already been introduced into several districts of the Province. In the Shikarpoor collectorate generally, but in Larkhana particularly, the advantages of a light and fairly distributed cash assessment have been most marked and beneficial. The taxpayers are contented, and the Government demand is readily responded to."

The House will observe that there is no connection whatever between the passage I have quoted, which relates exclusively to the manner of dealing with the revenue, and the subject of the return, which was the tenure of land. Then why was it introduced? for the purpose, as I shall prove, of reviving a foul calumny against an obnoxious man, and of furnishing his enemies with weapons to be used in blackening his memory. Now this charge first appeared in the Bombay newspapers, and was treated with silent contempt. But (to use Sir Charles's own language)—

> "Could I laugh, when after India had resounded with these falsehoods, I found, by the mistake of a Clerk in Calcutta, that the Bombay Government had sent a *secret note of Council* to be registered there against me, accusing me of making up a false revenue, not only by levying taxes, but more than that, for if I recollect aright, they only hinted at that, they said I was doing this by a monopoly of grain, the price of which I raised by my command of the grain, and sold dear to the troops, so as to make the loss fall on the Bombay Government! In short, of an act so infamous, that, had there been one iota of truth in it, hanging would be too good for me."

I beg the special attention of the House to what follows:—

> "Had" (continues Sir Charles) "the Clerk not made this mistake, I should have had in both the Bombay and Calcutta archives, a heinous crime registered against me by my bitter enemies, which might hereafter be brought to light and given to the world when I am no more, as an irrefragible proof of my bad conduct."

Sir Charles Napier is no more, and as he anticipated, this miserable charge has been repeated against his memory on the authority of the Bombay archives, and has been used to justify his slander by the bitterest of his enemies. Well, Sir, I recently entered a notice of Motion for the Despatch of Sir Charles Napier in answer to the official charge against him, but I was assured that it could not be found. The answer was most full, distinct, and particular in meeting every point of the accusation against him, but, although the charge was forthcoming, the answer to it cannot be found. The hon. Member for Guildford, (Mr. Mangles) has informed me that this injurious paragraph was copied from a return from the Bombay Government, and that search has been made, but without success, for Sir Charles Napier's answer. I do not doubt the good faith of the Indian Directors nor the diligence of the search, but there is something unpleasantly suspicious in the non-appearance of this document. It was forwarded to Bombay; either it has been improperly retained there, or, if sent to this country, it has been thrown aside and lost. I will venture to say that such is not the treatment which charges made against Sir Charles Napier have received—they will all be found carefully preserved and duly ticketed, and ready for immediate reference. Of the answer itself, I will pledge my word to the House that it was as full, as complete, and as satisfactory as an answer could be. In the absence of this document, let me, by the kind indulgence of the House, be permitted to bring forward some evidence on this subject, the very strongest which could be produced. Sir Charles Napier left Scinde on the 1st October, 1847, and was succeeded in the Government by Mr. Pringle, a civilian. On the 31st December, 1847, Mr. Pringle made an elaborate report on the state of Scinde. With reference to Sir Charles Napier's financial policy, Mr. Pringle wrote:—

> "Moderation, simplicity, and equity have taken the place of rapacity, complexity, and oppression; and although there may be much room for improvement, I am inclined to think the progress hitherto would bear a very favourable comparison with that of most provinces which had been for the same time under our rule, and reflects much credit on the officers to whom it is due."

Mr. Pringle thus sums up his observations on Scinde:—

> "I hope it will not be considered in excess of my province if, in concluding this report on the civil administration as I have found it to exist, I take occasion to express the sense with which my inquiries have impressed me of the wisdom, energy, and ability with which it has been organized and directed by his Excellency the late Governor, under circumstances of considerable novelty and difficulty."

Here was direct testimony as to the character of Sir Charles Napier's financial policy. But it may be objected that this was written after only two months' experience, and that a more careful inquiry might have brought a change in Mr. Pringle's opinion. Two years afterwards, when Sir Charles Napier was appointed to the command of the Indian army, Mr. Pringle, who had no personal acquaintance with Sir Charles Napier, wrote to him as follows:—

> "On your fitness for military command there is but one opinion. I speak as one who has had more than ordinary means of forming a judgment, when I say that your aid will be found not less valuable in the civil government, if your colleagues be wise enough to avail themselves of it; and I can wish nothing better for the interests of our newly-acquired provinces in the Punjab, than that they may have the benefit of the same strong and just government which was so successfully applied to the introduction of order here."

Now, let me ask, could it be credited that, if Sir Charles Napier had been guilty of the malpractices imputed to him, Mr. Pringle, who succeeded him in the Government, would be found, two years after he had possessed the fullest means of acquainting him with the facts, going out of his way to express such strong opinions of the justice and energy of Sir Charles Napier's rule in Scinde? But the indirect evidence does not end here. Mr. Pringle was succeeded by Mr. Frere, the present chief commissioner of Scinde, a man whose integrity and ability are well known to many Members of this House. I had the pleasure of meeting Mr. Frere in this country last year, and he told me that, highly as he appreciated Sir Charles Napier as a soldier, he thought his genius for civil Government still more remarkable. And I was much struck with a remark of Mr. Frere, that so deeply imbued was the mind of Sir Charles Napier with the principles and practice of civil government, that he was satisfied that if he had been awakened in the middle of the night, and asked to dictate a Minute on any measure of police or revenue, or any detail of civil administration, he would have done so without hesitation, in language which would not have required the slightest alteration. And Mr. Frere could hardly find words to express his sense of the tenderness, humanity, and kindliness which underlay an exterior somewhat rugged, and a disposition somewhat irritable. Sir, the facts I have brought before the House would in themselves justify the time I have occupied in refuting this official slander; but the necessity for this refutation will be still more apparent, when I read to the House an extract from a pamphlet written recently by Dr. Buist, in which he justifies all his former and present attacks on Sir Charles Napier, by quoting the very paragraph in this return of which I complain. Here are Dr. Buist's own words :—

> "A paper has been presented, by order of Parliament, on the Land Revenues of India, from which the following is an extract :—The parliamentary paper seems nearly a transcript of the official intimation sent formerly, and not, as asserted by mistake of the clerk, to the Governor of Scinde in 1846. It shows, that not only may we have war and conquest in India, prosecuted against all authority, but we may have cooked accounts, grain raised by monopoly to famine prices, transit duties under the most obnoxious form of taxation, without any one having the power to punish or prevent."

And then followed the extract from the return laid before the House. The hon. Member for Guildford informed me that a justification for this statement in the Report would be found in Colonel Rathborne's evidence, as quoted by Sir George Clerk. As Colonel Rathborne had been a collector in Scinde under Sir Charles Napier, I looked with some interest at the passage furnished me by the hon. Gentleman. It was in these words :—

> "The Collector was in the position of a wholesale corn-merchant, and acted precisely as one in the trade would do."

Of course he did, and it was Sir Charles Napier's duty as long as the revenue consisted of grain to get for it the highest market price. But that was a very different thing from forcing up prices by virtue of his position, and selling grain at fictitious prices to the Commissariat. The Commissariat accounts and the prices current of the day were still in existence and would easily refute the latter charge. With respect to the former and more serious charge of raising unnaturally the price of grain to a starving people, it was wholly untrue. Sir Charles indeed continued the system which had long subsisted in Scinde of exacting a portion of the grain for the purposes of the revenue—but he reduced the proportion—and introduced many improvements in the manner of levying it, while he encouraged the substitution of money-payments by arrangements favourable to the tax-payers. The years succeeding the conquest were years of scarcity and suffering, for not only had agriculture been neglected during the war, but an unusual dearth produced a scanty crop, nearly all of which was devoured by a flight of locusts, which desolated Scinde in common with several other regions of Western India. But Sir Charles did his utmost to mitigate these sufferings by allowing all grain to be introduced from foreign States, such as the Punjab, Moultan and Bhawulpore, at a mere nominal duty of 1*s.* 3*d.* per quarter, while no duty whatever was charged upon grain imported from the provinces of British India; and, as Scinde was accessible from the North by the Indus, and from the South by the sea, the neighbouring province of Goojerat being the most fertile corn-growing country in India, the absurdity of supposing that he dictated prices in Scinde, while he admitted unlimited importation, is too apparent to require argument. And it is remarkable that Scinde was the only province in India in which no tax was laid upon salt. Nor would arguments be required by any of those who personally knew the great man, or had read his life, to disprove charges affecting his humanity, for if one quality more than another shone forth in his character, it was the depth and earnestness of his sympathy with the poorer classes. Yet as official authority has been given to this unjust and cruel imputation, I conceive I have only performed an act of simple justice to the memory of an illustrious public servant, when I vindicate it from charges so repugnant to his character and so destitute of truth.

Mr. H. A. Bruce

MR. WILLOUGHBY said, that he regretted very much that his hon. and gallant Friend the Chairman of the East India Company was not in his place; but in his absence he begged to say he was in a position to prove that there was nothing intentionally wrong in the Report in question. The words of the Minute to which the hon. Member referred were taken *verbatim* from the annual Report of the Bombay Government in 1855. Sir Charles Napier was not responsible for the system which he found in force in connection with the revenue, though he might be with the way in which the revenue was afterwards realized. In connection with the subject he would read an extract from the Minute of Sir George Clerk, who had gone to Scinde to make himself acquainted with the state of that province, dated April 24, 1848, which appeared in a voluminous blue-book on the affairs of Scinde, published in 1854, in order to show the evils that existed :—

> "The Government share of grain having been realized and stored, the collector brings forward or withholds portions of the stock in hand, according to the temper of the market, prospects of the season, &c. Should the number of the troops in

the district render it probable that the demand will be large, or should appearances tend to show that the succeeding crop will be short, he withholds; and when the scarcity does come his grain is issued in quantities so small as to prevent any fall from a glut in the market. If his information leads him to suppose that the existing prices will remain stationary, or decrease, he sells."

Then came the words quoted by the hon. Member, as used by Colonel Rathborne:—

"'The collector is in the position of a wholesale corn-merchant, and acts precisely as one of the trade would.' The opposite statement shows the extent to which wholesale prices varied under this system, even in the same year and in the same collectorate."

General CODRINGTON: Sir, I cannot refrain from saying that I feel deeply and acutely, the charges that have been heaped upon the head of Sir Charles Napier, as represented by the hon. Member who has called the attention of the House to the subject. I say it is most melancholy, as well as humiliating, to the feelings of the friends of the gallant General, who fought so long and so well on behalf of his country in almost every quarter of the globe, to have those charges against him raked up, now that he is no longer amongst us to defend himself, and when death ought to have set a seal upon them for ever. I contend that when such miserable charges as those now before the House were made against Sir Charles Napier, a great man, whose name was dear to every Englishman, it was but fair to the memory of that great man, the value of whose services was never appreciated until it was too late to do so, his answer to those charges should be forthcoming. The House had heard the charges against Sir Charles Napier, and he would be glad to see the answer to them. The hon. Member who had just spoken had repeated the charges; and it was but fair to the memory of Sir Charles Napier that his answer should be produced. I feel satisfied that those charges could be refuted, and therefore it is melancholy to see the character and memory of so great and good a man frittered away by unsupportable charges.

Mr. ROEBUCK said, that in order that the House might know the real value of the statement which had been read to it, he would beg leave to read the following note which his hon. Friend the Member for Merthyr Tydvill (Mr. Bruce) had received from Colonel Rathborne:—

"My dear Mr. Bruce,—I have just received your note, in which you inform me that Mr. Mangles intends to justify the statement as to the sale of grain to the Commissariat at fictitious prices, by the authority of Sir George Clerk, who, he says, quotes me as his authority.

"In reply, I would merely observe that he no doubt has the authority of Sir George Clerk for the statement, because it forms one of the charges against the Scinde Government, contained in that tissue of falsehoods called Sir George Clerk's Scinde Minute; but which, in fact, was drawn up for his signature by his then revenue secretary, Mr. Goldsmidt.

"But, though Sir George has been thus unhappily made to father official falsehoods, I am sure he is quite incapable of giving birth to any, and therefore it is impossible that he could have given me as his authority for so gross a misstatement."

He agreed with every word that had fallen from the gallant General. The memory of Sir Charles Napier was a thing that belonged to the British people, and they ought not to allow his reputation to be frittered away by the base calumnies of base people. There were always a set of vermin ready to prey on the memories of great and good men. If ever there was a man who did great service to his country, and who, more than another exhibited a spirit of gentleness, and power, and humanity, and wisdom, that went almost before his time, that man was Sir Charles Napier. He fought the battles of England against greater odds than ever had been found even in India, and by his masterly movements and his great skill as a general he won for himself and for us a renown till then almost unknown. The country he conquered for England, he governed with the same skill with which he had gained it; and when he left that country the people looked on the conqueror as their friend, and attended him down the river, thus paying the highest homage to his justice and humanity. Though they knew full well he had, by his capacity and courage, wrung from them their country and conferred it on England, yet, notwithstanding what he had done, so thoroughly were they persuaded of his justice and humanity, that they attended him down the river, and bade him a farewell such as men only pay to their great benefactors, showing that Sir Charles Napier's capacity as a civil ruler was as great as he had shown in the character of a soldier. England now knows, when it is too late, the full value of Sir Charles Napier. He would ask any man to read the last volume of his life as drawn by his gallant and distinguished relative, and, looking at what had just occurred, to say whether it did not almost seem as if he possessed the gift of prophecy. Every word he had told them with reference to India had been fulfilled, and had his warnings been attended to it would not have fallen to the lot of the

Chairman of the East India Company to say that what had happened had come like a thunderbolt on the Government of India. If they had taken the warnings of this wise and far-seeing man they would have foreseen the mischief, and guarded against it. But there was that in the minds of the home Government—there was that in the minds of the Government of India—that led them to hate this great man. They hated him because he was a great man, for he towered above them, and showed by the comparison their inferiority to himself.

Mr. DANBY SEYMOUR said, the question now before the House related to a paragraph respecting the sale of corn by Sir Charles Napier whilst he was governor of Scinde. His object in rising was to correct what the hon. and learned Gentleman said in reference to his colleague, Sir George Clerk. Sir George Clerk was not the man to put his name to a tissue of official falsehoods which he himself had not inquired into. He did fully inquire into this subject. It was a mistake to suppose that either he or the Government of Bombay wished to depreciate the eminent merits of Sir Charles Napier. He agreed with the hon. and learned Gentleman in much that he had said of the supereminent merits of Sir Charles Napier, and he believed that the paragraph in question was put in accidentally, and not for the purpose of disparaging the eminent qualities of Sir Charles Napier, whose memory stood so high in the estimation of all who knew anything of Indian history.

Mr. ROEBUCK said, the expression "a tissue of official falsehood" was not his expression, but that of Colonel Rathborne.

Mr. BUTT said, he thought the House ought not to part with this subject without coming to some expression of opinion in vindication of the memory of Sir Charles Napier. A charge had been made against that great man in a return on the revenues of India, and Sir Charles Napier had himself, on discovering by accident the nature of the charge, replied to it; but while the charge still stood, the reply was not to be found. It was on record in the life of Sir Charles Napier that he answered that charge fully, document after document, and line by line. Where, then, was that answer? The charge had been reiterated, but where was the answer? That was not the way in which the character of a man who had served his country ought to be treated and trifled with. He should have been content to let the matter rest on the statement of the hon. Member near him, but the hon. Member opposite, (Mr. Willoughby), speaking on behalf of the East India Company, had reiterated the charge. If the charge were reiterated, the House ought to express its opinion upon it, but if it was abandoned then he had nothing more to say. It was said that this answer was lost, but as the hon. Gentleman opposite (Mr. Willoughby) had reiterated the charge, some effort ought to be made for the production of the answer to it. He would suggest that the hon. Member for Merthyr Tydvill (Mr. Bruce), who said that he had seen a copy of it, should send that copy to the President of the Board of Control in a private letter, desiring him to ask the Court of Directors whether it was a true copy, and that then the whole correspondence should be laid on the table of the House. That would be an indirect mode, certainly, of getting the document; but the respect due to the memory of so valuable a public servant as Sir Charles Napier demanded that it should be produced even in an indirect manner.

SUPPLY.—MISCELLANEOUS ESTIMATES.

House in Committee, Mr. FitzRoy in the Chair.

(1.) £27,810, Pimlico Improvements.

Mr. W. WILLIAMS said, this was an entirely erroneous description of the Vote. It was high time that a stop should be put to the expenditure which had been going on for some time in clearing away the houses round Buckingham Palace. Upwards of £100,000 had been expended in the purchase of leases of Crown property. He was sure that Her Majesty, if the matter were fairly represented to her, would not consent to throw this expense on the country. But the whole blame rested on the Commissioners of Works, who, wishing to curry favour with Her Majesty, proposed all manner of improvements, and Her Majesty, not knowing the money which they would cost, of course gave her consent. Although he had no desire to curtail the comforts of Her Majesty, he must decidedly object to this Vote.

Sir BENJAMIN HALL said, it was clear that the hon. Gentleman had not read the Parliamentary paper which gave a full account of all these proceedings, and that he knew nothing at all about the matter, and that his assertions were utterly groundless. This Vote was to carry out an Act passed in 1853 for the purpose of effecting these improvements; and it was stated at the time that a sum of £30,000 would be required. No money had yet been voted, as the property which had been sold had paid all the expenses. Though this was Crown property it was not the property of the Executive, but was part of the hereditary revenue of the Crown, which had been handed over to the nation by the Crown in exchange for the civil list. It was managed by the Land Revenue Commissioners, and might return to the Crown at a fresh succession, and it was the duty of Government and the Parliament to maintain this property unimpaired. An agreement had been made between the Land Revenue Commissioners and one of his predecessors that the property in the neighbourhood of the Palace should be taken by the Commissioners of Works at a valuation of £78,260, and that at the completion of the improvements such an amount of property should be restored to the landowners which, including that portion added to the Palace, should amount to a similar sum. If the hon. Gentleman would look at the accounts he would see that about £27,000 of this had been paid back, and that £51,360 remained to be paid. This Vote of £27,000 was required to complete the improvement, and when it was completed an account would be taken of the difference between the value of the property handed back to the Land Revenue Commissioners and of the property before the improvements began, and that difference would have to be voted and paid over in land and buildings to the Land Revenue. The cost of the improvements to the public would appear in the two sums of £27,810 now proposed to be voted, and the sums which would be paid to the Land Revenue Commissioners after the valuations had taken place on the completion of the improvements.

Mr. W. WILLIAMS observed, that he had very little faith in the accounts. In the history of this country there had never been an expenditure so extravagant as that sanctioned by the Government in the present year. The Civil Service Estimates had risen from £2,000,000 under the Duke of Wellington, and £4,000,000 under Sir R. Peel, to £7,465,000.

Sir HARRY VERNEY said, he wished to know whether it were in the power of the Chief Commissioner of Works to exercise any control over the height of the houses built in London.

Lord JOHN MANNERS remarked, that the hon. Member for Lambeth (Mr. W. Williams) had objected to the increase in the Estimates. In some respects he agreed with him, but he thought that each Vote should be discussed on its own merits, and that the hon. Member was not justified in urging a general increase as an argument *in invidiam*, against the present Vote. After the explanation given he thought the Committee could have no difficulty in coming to the conclusion that this was a proper Vote.

Mr. W. WILLIAMS said, he opposed the Vote on the ground that the sum now asked for was not to go for Pimlico Improvements, but for the purchase of the leases of Crown property.

Sir BENJAMIN HALL said, the hon. Gentleman was again incorrect in his statement.

Colonel KNOX said, that after the expression of confidence in the Government which they had heard from him that night, the hon. Member for Lambeth (Mr. W. Williams) ought not to detain the Committee by wrangling about matters concerning which he, according to his own confession, knew nothing.

Sir BENJAMIN HALL explained that no Vote had been taken for the works included in this estimate.

Mr. NICOLL said, that something like £1,000,000 had been expended on a building which all admitted to be an abortion in an architectural point of view. If the Vote had been for the purpose of providing proper accommodation for drawing-rooms and levees, there might have been some grounds for it; but he understood the object of it to be merely the widening of the road and the clearing of a space in the neighbourhood of Buckingham Palace. With a war in India and with so gloomy a prospect around, such an expenditure was not to be justified. He protested against it.

Vote *agreed to.*

(2.) £80,000. Site for the proposed New Public Offices.

The CHANCELLOR of the EXCHEQUER stated, that this sum was required to pay for land which had been purchased under the authority of an Act of Parliament passed a year or two ago. The land so purchased would be sufficient for the site of the two offices which it was now contemplated to erect.

Mr. HENLEY said, that if the Government was, as he understood, already under contract to purchase this land, he should not object to the Vote, but he thought it would have been better before buying the land to present to Parliament plans of the buildings proposed to be erected upon it, and an estimate of the expense.

THE CHANCELLOR OF THE EXCHEQUER said, he would engage that before anything definite was done in the way of building, plans should be submitted to that House. It would also be necessary to ask for a further Vote of money before any progress could be made with the erection of these offices. All that was now wanted was means for acquiring the land.

MR. W. WILLIAMS contended, that the Committee ought to have been furnished with an estimate of the intended outlay before anything was done in the matter. True, the right hon. Gentleman had referred to an Act of Parliament on the subject; but they all knew that such Acts often were passed at two or three o'clock in the morning, without hon. Members knowing much about them.

Vote *agreed to.*

(3.) £7,500 towards the erection of a New Building for Public Offices in connection with the General Register House, Edinburgh.

LORD JOHN MANNERS asked if it was necessary to take this Vote during the present year?

MR. WILSON said, that the Register House was now too small for the business of the country, and that an addition was necessary.

Vote *agreed to.*

SUPPLY.—ARMY ESTIMATES.

(4.) £200,000, Embodied Militia.

SIR JOHN TRELAWNY wished to call the attention of the hon. Baronet, the Under Secretary for War, to the manner in which the accounts for the militia were kept. Under the present state of things, from the circumstance of accounts having been left outstanding, in some instances for at least two years, the paymasters of regiments were subjected to great personal inconvenience, in addition to which they were obliged to pay a higher rate of interest to the guarantee societies than would be the case if the accounts were settled every year. In the case of one regiment, the accounts for the quarter ending the 30th June, 1855, were outstanding at the beginning of this year. Another point to which he wished to call the attention of the hon. Gentleman was the amount of money which was expended between the time of issuing the warrant for calling out the militia and the time at which they were actually called out. He had heard that in one regiment alone the expense thus incurred amounted to no less than £2,000, for which no service whatever was performed. That was a state of things which would easily admit of alteration, and to which he begged to call the attention of the Government.

SIR JOHN RAMSDEN was understood to say, that it was perfectly true that there had been great delay in obtaining the accounts for the embodied militia; but that was owing to the fact that during the war, so enormous was the work thrown upon the War Department, that, although the staff of clerks had been considerably increased, yet it had been found almost impossible to keep pace with the work which had been thrown upon that department. He thought, however, that the hon. Baronet was mistaken in supposing that the paymasters had suffered in any way from the delay which had taken place, because he believed that the guarantee societies were liable for any amount to which the paymasters had insured with them. With regard to the other portion of the remarks of the hon. Baronet, it was perfectly true that, when a militia regiment was called out for service, by an old Act of George III. a large sum of money had to be paid between the time of issuing the warrant for the embodying of the regiment and the time when it actually assembled; but by a Bill which had been introduced in another place by his noble Friend at the head of the War Department, and which would shortly come down to that House, it was provided that the officers and men of the militia were not entitled to any pay between the time of issuing the warrant and the time when the regiment was called for actual service.

COLONEL KNOX remarked, that he had known many instances in which paymasters had suffered from the want of promptitude at the War Department with regard to the accounts for the militia, and he did not think that it was too much to expect that those accounts should not be left outstanding so long.

MR. RIDLEY said, he hoped the Government would well consider the question—how the militia which were to be embodied were to be lodged. The system of billeting was a hardship to many persons, and had created great dissatisfaction throughout the country. He trusted that, wherever it was possible to do so, they would be placed in barracks, because he was convinced that the system of quartering soldiers at public-houses was injurious to the discipline of a regiment.

Colonel NORTH said, he wished to know if the Government had arrived at any decision with regard to a memorial which had been addressed to the War Department by the surgeons connected with militia regiments. In that memorial those gentlemen complained, and, as he thought, most justly so, of the scant remuneration which they received, and also that in the inspection of recruits, and duties of that nature, they were only allowed to act when a medical officer of the regular army was not present. The next point with respect to which the militia surgeons complained was the difference which existed between the allowance made for the examination of recruits for the line—which was 4*s.*—and that made in the case of recruits for the militia, which amounted to only 2*s.* 6*d.* per man. They also complained that, while they received no pay for the examination of recruits beyond the number of six, the civil practitioner was remunerated at the rate of half-a-crown a piece for the first eight, and 1*s.* for every recruit beyond that number. These were matters in reference to which he hoped his hon. Friend the Under Secretary for War would be able to give some satisfactory explanation to the Committee.

Sir JOHN RAMSDEN said, the subject to which his hon. and gallant Friend had called the attention of the Committee was one which had received the careful consideration of the Government. The result of that consideration had been, that it appeared to them no good reason had been assigned why the allowances of the militia surgeons should be increased. With regard to the difference which prevailed between the pay of those surgeons and civil practitioners in the case of the examination of recruits, he thought the Committee could not fail to be of opinion that the limit of 20*s.*, beyond which the pay for such purposes of the former could not rise in a single day, was one which it was desirable to fix upon, inasmuch as, if no limit were prescribed, their receipts might in the course of a day, owing to the great number of volunteers who might present themselves for examination, amount to several pounds. The question of employing militia surgeons to perform the medical duties which were required to be discharged in the case of military detachments, was one in relation to which a communication had been made to the Commander in Chief, asking him whether, in his opinion, it would not be expedient to issue an order directing that, in all cases in which the assistance of a medical officer was needed by the troops of the line, there being no surgeon of the line at hand, the militia surgeons should be employed in preference to the civil practitioners. To that communication, however, sufficient time had not elapsed to admit of any definite answer being returned. In reply to the question of his hon. Friend behind him (Mr. Ridley), he had to state that the Government were disposed to put an end, as far as possible, to the system of billeting, inasmuch as they believed it to be very much opposed to the feelings of the country generally, as well as injurious to the efficiency of the militia itself.

Colonel NORTH said, he could not understand why so great a difference should prevail in reference to the remuneration for the examination of recruits as that which existed between the pay of the militia surgeon and the civil practitioner.

Sir JOHN RAMSDEN observed, that the reason why no limit had been fixed in the case of the latter was, that the duties which he was called upon to perform, in the examination of recruits, were considered to be out of the ordinary course of his profession.

Lord BURGHLEY said, he hoped the Government would recognize the necessity of making the militia surgeons some allowance to provide themselves with quarters in those towns in which they were engaged in attending upon military detachments.

Mr. ADAMS remarked, that he thought the militia surgeons were entitled to consideration at the hands of the Government, upon the ground that, during the late war, many of them had been employed in doing garrison duty, and had in consequence lost their private practice. He saw no reason for a distinction being made between the rate of pay for examining militia recruits and that for recruits for the line.

Mr. HENLEY said, he hoped that the Government would consider the question of limiting the pay of militia surgeons with respect to examining a certain number of recruits a day. It was necessary to have a high class of men for this duty, and they ought not, on account of a trifling expense, to run the risk of causing dissatisfaction among the whole class of militia surgeons.

LORD CLAUD HAMILTON said, he believed that the difference in payment between the medical examination for the militia and that for the line was not framed upon the theory that the militia was an inferior force, but because a subsequent and independent examination was required for the line.

COLONEL WILLIAMS said, he would express a hope that the grievances of militia surgeons would receive the favourable consideration of the Secretary at War. A great many surgeons threw up their private practice when the militia regiments were embodied, who at the close of the last war were thrown upon their own resources.

COLONEL GILPIN said, that the Government were about to increase the duties of the militia surgeons; and, if they thought proper to put them upon the same footing as the surgeons of the line, with regard to the payment for medical examination of recruits, he should offer no objection. But he believed that the Government had treated the militia surgeons with great liberality. They were told that, when their regiments were disembodied, no claim would be admitted unless they had served ten years, and yet they received a whole year's pay. Let the Committee contrast that liberality with the treatment of the paymasters, who received only three months' pay, although their responsibility did not cease with the disembodiment of their regiment.

LORD LOVAINE said, he felt bound to draw attention to the enormous expense of the militia, which was, in proportion to the outlay, a very inefficient force. The number of men to be raised for the militia in 1855-6 was 136,000, while the whole number actually on foot was only 51,182. He believed that, from the way in which men were enlisted for the militia, enlistment for the line was injured rather than promoted. It was incumbent on the Government to say whether some method should not be adopted by which the population might be compelled to serve in the militia. There was no reason why every district in the country should not be required to furnish its proper quota to that force.

SIR JOHN RAMSDEN said, that the Government did not agree with the noble Lord as to the expediency of making service in the militia compulsory, because it was found, during the late war, that this force was of immense advantage in supplying recruits to the regular army. The number of volunteers into the line had been very large, and the previous drill they had gone through while in the militia made them useful soldiers in a very short period. With regard to the allowances granted to militia surgeons, he could only say that all the information he had been able to obtain showed the present position of a militia surgeon to be one that was much coveted. It was not merely the actual amount of the allowance that had to be considered, but an indirect advantage was realized by militia surgeons. Service in that force had, in many instances, proved the very best introduction they could have to a general practice. The Government, therefore, did not feel justified in calling upon Parliament to increase the remuneration of this class of officers.

Vote *agreed to.*

(5.) £450,000, Disembodied Militia.

MR. W. WILLIAMS said, he wished to ask on what principle this Estimate was framed? 62,400 of the militia were embodied in the year 1855-6, or fewer than half the number of men voted, and yet the expenditure amounted to £2,930,000, or only £880,000 short of the entire sum originally asked for 136,000 men. The cost of the militia was immensely higher than the charge for an equivalent number of officers and men belonging to the standing army; and if the whole number voted in that year had been raised, the expenditure would have exceeded the Estimate by nearly £2,000,000. Yet complaints were made of the insufficiency of the sums granted to this branch of the service.

LORD CLAUD HAMILTON remarked, that the calculations of the hon. Member for Lambeth were not always very lucid; and he would therefore wish to inquire whether the hon. Gentleman had taken into account the number of men who volunteered from the militia to the line. The bounty, outfit, &c., of these men was included in the Militia Estimates, and ought in fairness to be deducted from the cost of this force. His noble Friend the Member for Northumberland (Lord Lovaine) had described the present militia force as "inefficient;" but he trusted his noble Friend would be induced to reconsider his opinion on that point. There was another subject on which he entirely differed from his noble Friend. He was surprised to hear him finding fault with the Government for not having recourse to the ballot. It was one of the proudest distinctions of this free country that not only were its army and navy entirely volunteer forces, but that compulsion was equally discarded in the levying of its militia; and yet no deficiency was ever experienced in the number of men available for the national defence. The hon. Member for Lambeth (Mr. W. Williams) had made statements without availing himself of the ordinary means of information.

LORD LOVAINE said, that he would still insist that this number of militia could not be raised except by compulsion. In spite of all the flourishes of the noble Lord who had just spoken, he maintained that this force would, to the extent of one half, be merely a paper force. The Estimate for last year was 136,000 men, and all that could be mustered was just 51,183 men.

MR. W. WILLIAMS said, his statements were supported by the best authority, namely, a Return made to that House, and which showed, among other things, that the expenditure for recruiting last year was £161,000.

SIR JOHN BULLER said, he wished to know whether the Government would take into consideration the case of the rifle and other volunteer corps raised during the war? They got no assistance from Government, not even a supply of ammunition for practice, and if some help was not afforded them the colonels would find it difficult to keep them up. He suggested that they should be allowed ammunition for practice, and day pay when so engaged.

SIR JOHN RAMSDEN remarked that these corps were volunteer corps, and when they were raised it was understood that they should not cost anything to the public. There was no intention of altering that arrangement.

Vote *agreed to.*

(6.) £32,000, Ordnance Survey of Scotland.

SIR DENHAM NORREYS said, he understood that the noble Lord at the head of the Government had thought proper to override, to a certain extent, the decision already arrived at by the House by appointing a Commission to reconsider the Ordnance Survey of Scotland. He, therefore, wished to ask the noble Lord if the Government agrees to the issue of a Commission, pursuant to an Address to the House of Lords, to consider the scale of the National Survey? If he is prepared to state to the House the names of the Commissioners to be appointed, and from what funds the expenses of the Commission are to be paid? Whether the terms of the Commission will be laid on the Table of the House? Whether such Commissioners will be required to make an estimate of the expense of a survey, and the engraving and publication of maps, on the scale which they shall recommend, for the entire of Great Britain and Ireland? Whether they will be required to make an estimate of the cost of such an establishment as may be requisite to maintain the continual accuracy of such maps, by replotting and engraving all changes of boundary, new roads, new subdivisions of estates, &c., &c., by periodical revision? Whether such Commissioners will be directed to consider and report whether maps on the scale which they shall recommend will be available for a system of registration of title connected with public works, and whether such maps will be equally available in the transfer of houses, or small lots, in rural districts, as for the transfers of estates? And, whether, in the event of the Commissioners coming to a decision in respect of scale, which is in opposition to the late decision of the House of Commons, the House will have an opportunity of accepting or rejecting such decision before it shall be acted on by the Ordnance Survey Department?

VISCOUNT PALMERSTON said, he could assure his hon. Friend that the appointment of this Commission was not at all intended, as he imagined, to override the decision of that House. The other House of Parliament requested the appointment of a Commission, and there was no valid reason why a Commission should not be issued. That Commission would have to inquire, investigate, and report; but their Report would by no means be a decision. He could assure his hon. Friend that the decision of that House would not and could not be overridden by that Report. The House would be afforded an opportunity of considering whether the information that would be gathered by the Commission ought to induce them to take steps at variance with the decision already arrived at. There would be no objection to lay before the House either the names of the Commissioners or the instructions given to them. They would of course be required to give an estimate of the expense attending any altered arrangement they might recommend; and it was also exceedingly desirable that they should report as to the application of any scale they might suggest to the transfer of property and to deeds. The hon. Baronet further inquired whether the Commissioners would be required to make an estimate of the expense of preparing, upon a large scale a plan of the whole of Great Britain. He (Viscount Palmerston) did not think it very likely that such a question would come practically under their consideration, because even if it were thought desirable to alter the decision adopted by the House with regard to Scotland, and to finish the survey of the cultivated districts of that country upon a 25-inch scale, he was told that ten years would be occupied in completing the work, and until that was done the survey could not be extended to the whole of Great Britain. It would therefore scarcely be necessary for the Commissioners to make such an estimate, although there could be no objection to their doing so. He did not think, however, that it would be possible for the Commissioners to make an estimate of the expense of the establishment requisite for keeping a map upon any scale in a state of completeness and accuracy with regard to alterations of boundaries, roads, and divisions. That was an expense which he did not imagine the House would contemplate. In fact, such alterations could only be ascertained by a re-survey. In the case of Ireland, great changes with respect to boundaries, roads, and other matters had taken place since the 6-inch survey was made, but he was not aware that that country had been re-surveyed for the purpose of correcting the maps. Generally speaking, there could be no objection to giving the Commissioners the instructions suggested by his hon. Friend, and when the Commission was issued, the names of the Commissioners and a copy of the instructions should be laid on the table.

In reply to a question from Mr. John Locke,

Sir JOHN RAMSDEN said, this Estimate was for the sum to be expended in completing the works already commenced. Until the Royal Commission had reported, and the House had decided upon their Report, it would be impossible to make any fresh survey, or to continue the survey over any new area of country.

Vote *agreed to.*

House resumed.

Resolutions to be reported *To-morrow.*

PAROCHIAL SCHOOLMASTERS (SCOTLAND) BILL.—SECOND READING.

Order for Second Reading read.

The LORD ADVOCATE, in moving the second reading of this Bill, said the condition of the parochial schoolmasters of Scotland had for some years been under the consideration of the Government, who had proposed measures in order to augment their salaries which had not been sanctioned by the House. The law as it stood gave the schoolmasters a minimum stipend of £19 a year, and a maximum stipend of about £26. Their stipends depended upon the average price of wheat, but, in consequence of an omission to observe the necessary statutory measures in 1853, the great majority of schoolmasters received only the minimum stipend of £19. The object of this Bill was to extend the benefit of the high average struck in 1828 for two years longer, and he could only say that this was the last occasion on which he would be a party to a temporary measure of such a nature.

Mr. CRAUFURD said, he was much inclined to object to the passing of this Bill at such a period of the Session when it was impossible that it could receive proper attention; but more especially did he object to passing a Bill which had emanated from those who had opposed every attempt to reform the educational system of Scotland. However, his opposition to the Bill diminished in presence of the assurance of the learned Lord Advocate, that it was the last time he would ask the House to pass a merely continuance Bill.

Mr. STEUART expressed objections to the Bill, which he considered to be ill-drawn.

Mr. STIRLING said, he objected to the Bill, because it continued for no longer than a period of two years, the maximum salaries to the schoolmasters. He greatly regretted that the Government had not brought in a measure continuing their present moderate salaries to the schoolmasters, until a general measure with reference to the subject of education in Scotland had been determined upon.

Bill read 2°, and *committed* for *Thursday.*

PIMLICO IMPROVEMENTS BILL.

THIRD READING.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the Third time."

Queen's *consent* signified.

Mr. NICOLL said, he objected to proceeding with the Bill at that late hour (it was nearly one o'clock), and moved as as an Amendment that it be read a Third time that day three months.

Mr. W. WILLIAMS seconded the Amendment.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Sir BENJAMIN HALL said, that the object of the Bill was simply to extend for two years an expiring Act, which gave power to acquire property for which the House had voted money that night.

Question, "That the word 'now' stand part of the Question, put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 3° and *passed.*

POLICE (SCOTLAND) BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a third time."

Mr. CAIRD moved as an Amendment that it be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day three months."

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

PROBATES AND LETTERS OF ADMINISTRATION BILL.

CONSIDERATION—ADJOURNED DEBATE.

Order read for resuming Adjourned Debate on Amendment proposed to be made to the Bill [11th August]; and which Amendment was, in the Schedule, before the words "The West Riding of the County of York," in the first column, to insert the words "Wapentakes of Ewecross, Staincliffe, Claro (including the liberty of Ripon), Skyrack, Barkston, Ash, and the Borough of Leeds, all in the West Riding of the County of York —— Leeds."

Question again proposed, "That those words be there inserted."

Debate *resumed.*

Mr. ROEBUCK stated, that the question before the House was whether the West Riding of Yorkshire should be one district for the proving of wills, or whether it should be divided. In his opinion the West Riding should be one district; but if it were to be divided he thought that it should be into three rather than into two, and, therefore, he would submit that Sheffield ought to be made a separate district as well as Leeds.

Mr. BEECROFT said, the registry at Leeds would be most convenient for a large and important district, and ought to be the registry for the northern district of the West Riding.

Colonel SMYTH said, it had been decided that Wakefield should be the place of registry, and he did not think it would be right to change that decision, considering the thinned state of the House.

Mr. VANCE said, he should give his vote in favour of Leeds.

Sir CHARLES WOOD said, the subject had been discussed at great length at a former sitting, and he thought it would be inexpedient to alter the decision arrived at that Wakefield should be the place of registry.

Viscount GODERICH observed, that the population of the West Riding was over 1,300,000, while the average population of the districts created under this Bill was only 360,000. He did not see why the West Riding should be placed in a worse position than other districts, and should have only one place of registry. He should therefore support the Motion of the hon. and learned Gentleman (Mr. Collins).

Mr. HADFIELD said, he was opposed to having two district towns within nine miles of each other, and hoped the House would adhere to the decision of the Committee.

Question put, and *negatived.*

Mr. CLAY said, he would move that "Hull" be re-inserted in schedule A as a place of district registry for the East Riding instead of York.

General THOMPSON said, that he would, from old connections, originating before he was born, second the Motion.

Amendment proposed, to leave out the word "York," in the second column, and insert the word "Hull," instead thereof.

Question, "That the word 'York' stand part of the schedule," put, and *agreed to.*

Mr. BERESFORD said, he wished to move that the two divisions of the county of Essex be added to the schedule as one district for the purposes of registration under the Bill, and that the town of Chelmsford be the place of district registry.

Amendment proposed, by inserting in the first column of the schedule, after the words "County of Norfolk," the words "North and South Divisions of the County of Essex."

Sir FITZROY KELLY said, he should oppose the Motion.

Question put, "That those words be there inserted."

The House *divided* :—Ayes 9; Noes 55: Majority 46.

COLONEL WATKINS said, he would now move that the word Brecknock should be omitted from the schedule.

Another Amendment proposed, to leave out the word "Brecknock."

Question, "That the word 'Brecknock' stand part of the schedule," put, and *agreed to.*

MR. HADFIELD, on behalf of Mr. Dillwyn, proposed an Amendment, to add the deaneries of East and West Gower to the District Court of the county of Carmarthen.

Amendment *agreed to.*

SIR J. EAST moved an Amendment to add the Isle of Wight to the Winchester District Court, which was *agreed to.*

The schedules were then *agreed to.*

Bill to be read 3° *To-morrow.*

CROWDED DWELLINGS PREVENTION BILL.—SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. AYRTON said, he must oppose this measure as he considered it the most extravagant measure ever introduced into Parliament. Free access was to be given to the police at all times, and the house was to be cleaned at their instance, besides being registered and supplied with water. Who was to protect the people against the abuse of authority under this Bill? This was an attempt to do that by law which could only be carried out by social influences. He moved that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. COWPER said, that the hon. and learned Gentleman entirely misunderstood this Bill. Its object merely was to amend the Lodging-house Act. That measure had been attended with the most beneficial results, but there were certain abuses which it did not meet. Lodging-houses were overcrowded, and the Act was evaded on the pretence that lodgers were members of the same family. It was chiefly to remedy this evil that the Bill had been introduced, and in Committee he would take care to provide that it should apply only to common lodging-houses, and not to private houses. He hoped, therefore, the hon. and learned Gentleman would not press his Amendment against the Bill.

MR. JOHN LOCKE said, he was not entirely satisfied with the alterations suggested by the right hon. Gentleman who had introduced the Bill. He was not sure that, even after they had been made, the Bill would not interfere with the interests and liberties of poor persons who were not lodging-house keepers. He therefore trusted that some further alterations would be made in the clauses of the Bill.

SIR GEORGE GREY said, that his right hon. Friend had intended to move the Amendment which he had sketched, even although no opposition had been raised to the Bill. He suggested that the hon. and learned Gentleman should allow the Bill to be read a second time, and that it should be committed *pro formâ* in order that the Amendments might be introduced.

Amendment by leave *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *To-morrow*.

House adjourned at a quarter before Three o'clock.

HOUSE OF COMMONS,

Wednesday, August 12, 1857.

MINUTES.] NEW MEMBER SWORN.—For Falkirk district of Burghs, John Glencairn Carter Hamilton.

1° Trustees Relief; Militia Pay.

SMOKE NUISANCE (SCOTLAND) ABATEMENT BILL.

CONSIDERATION OF AMENDMENTS.

Order for the consideration of the Bill, as amended, read.

MR. BUCHANAN said, it was his duty to oppose the further progress of the measure. The Bill which had been introduced in the House of Lords, had taken almost the whole of the manufacturing interests in Scotland, which it seriously affected, by surprise. The large malleable iron and earthenware manufacturers especially had great reason to complain, inasmuch as no opportunity had been afforded them of stating to the House, through the usual channels, the oppressive manner in which the Bill would operate against them. The result would be that they would be brought under the general operation of one clause in the Bill, which would be exceedingly injurious to their interests. [The hon. Gentleman read letters to the House from some of these manufacturers in support of that statement.] Besides, he contended, the exceptions made in the Bill to its operation were so large that its whole value would be absolutely lost. For example, by reason of those exceptions, the Bill would not tend to purify the atmosphere of the upper valley of the Clyde from the contaminations produced by the numerous manufactories which bordered upon it. For any practical purpose, indeed, the Bill would be a mere nullity, inasmuch as the great transgressors would go free, and by the operation of that sweeping exceptional clause all the smaller ones would be excused. Besides, in different parts of the country, as in Edinburgh and Glasgow, where it was more especially important to suppress the smoke nuisance, the Bill would go to supersede local Acts passed with that view, and which were very stringent. But the principal objection he took to the Bill was, that it had been brought in by private parties. He submitted that a Bill to regulate the police of the country ought not to be in such hands. A Select Committee should have been appointed to take the whole subject into consideration, and to ascertain in what degree such a Bill was likely to affect the manufacturing interests of the country. For those reasons he would move as an Amendment that the Bill, as amended, be considered that day three months.

Motion made and Question proposed, "That the further consideration of the Bill, as amended in the Committee, be adjourned till this day three months."

Mr. KINNAIRD said, he was surprised at the course adopted by the hon. Member, after the long time which had been afforded for the consideration of the Bill; yet the hon. Member said it had come upon the House by surprise. It also appeared to him that the hon. Member had answered his own objections; for while on the one hand he claimed exemption for a large class of manufactories, on the other hand he complained that there were already too many exemptions. Let his hon. Friend reconcile these contradictions if he could. He had received communications from nearly all the Scotch Members who had given their assent to the principle of the Bill; and on the second reading some concessions were made, in consequence of which he had understood that there would be no further opposition to the Bill. The question of the smoke nuisance had been already settled in this city, where all the operations carried on in Scotland were performed, and every one had agreed how beneficial had been the effect of the measure as applied to the Metropolis. The noble Lord at the head of the Government had originally excepted glass works, potteries, and the like; and yet Mr. Pellatt, who had headed the opposition, was himself the person to introduce a Bill the very next Session to bring glass works within the operation of the Act. Not a single petition had been presented against the Bill, while he had received very strong assurances of support. He regretted that it contained so many exceptions, for he found upon a late visit to Manchester that the consumption of smoke had been enforced with the best results. He should resist the Motion of the hon. Gentleman, because he felt that the measure was most beneficial, and that those who now opposed it would be desirous to bring themselves within its operation. He hoped the hon. Member would not oppose the further progress of the Bill.

Motion put, and *negatived.*

Mr. BUCHANAN proposed a clause giving an appeal to any party who may be dissatisfied with any decree.

The clause was brought up and read 1°.

Motion made that the clause be now read 2°.

After a few words from Viscount Duncan against the clause,

Motion *negatived.*

Clause 1.

Mr. BUCHANAN moved an Amendment, substituting 200 yards for a quarter of a mile, as to the distance of the factories from the town.

Amendment proposed, in page 1, line 13, to leave out the words "a quarter of a mile," in order to insert the words "two hundred yards," instead thereof.

Mr. KINNAIRD consented to reduce the distance to 300 yards.

Mr. BUCHANAN said, that this would not answer his purpose.

Question put, That the words "a quarter of a mile" stand part of the Bill.

The House *divided:*—Ayes 57; Noes 3: Majority 54.

Amendment *agreed to.*

Viscount DUNGANNON moved an Amendment exempting iron foundries.

Amendment *agreed to.*

Mr. BUCHANAN moved a similar exemption for brew-houses.

Mr. KINNAIRD opposed the Amendment, which was negatived.

Clause 12.

Mr. BUCHANAN objected to the unlimited amount of parish assessment authorised by the clause. He moved the omission of the clause.

Mr. KINNAIRD opposed the Motion. There was no legal difficulties in applying it.

Question put, "That Clause 12 stand part of the Bill."

The House *divided:*—Ayes 32; Noes 27: Majority 5.

Bill to be read 3° *To-morrow.*

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses *agreed to.*

Sir ERSKINE PERRY moved, on the part of the Lord Advocate, a clause, that the Bill do not extend to Scotland.

Mr. ROEBUCK said, the hon. Member for the Tower Hamlets (Mr. Ayrton), had Amendments which he meant to propose; but the Bill had rushed through Committee, and he presumed it was not for the present competent to move that they should be introduced. Meanwhile the Scotch Members objected to the Bill applying to Scotland, and he thought they were right; for a more preposterous Bill had never been sent down from the House of Lords—and that was saying a great deal. It was an attempt to make people virtuous by Act of Parliament; but it could never succeed. A man who had a taste for the class of prints and publications referred to in the Bill would get them in spite of all the laws they could pass. They would, therefore, not prevent mischief being done, while there was great danger of making mischief by an undue interference with the affairs of private life, and by encouraging an abuse of power. Suppose a country magistrate had a feeling of enmity against a poacher, whom he could not reach as such. The poacher, might, however, sell books, and some one came forward to complain that he had got obscene publications in his house. A warrant could be issued to search his house, and in the course of the search poaching materials might be found. The magistrate would thus gain his object, which otherwise he could not have done. In London, perhaps, this could not be done, for there the magistrate acted in the eye of the public, and with a police reporter in his court; but in the country there would be no such check, the proceedings taking place, it might be, in the magistrate's private parlour. He objected to any measure that would in reality create an inquisition, and operate despotically towards the people. Such consequences might flow from this Bill, and therefore he objected to it as it now stood.

Sir GEORGE GREY observed, that the hon. Member for the Tower Hamlets intended to move his Amendments on the Report. With regard to the Bill he might state that it originated with the Lord Chief Justice, who found from facts that came under his own knowledge, that the sale of obscene prints and publications prevailed to a very great extent, and that much difficulty was experienced in obtaining a conviction against offenders, or, even when convictions were obtained, in preventing the trade being carried on successfully. He had been in communication with the Lord Chief Justice in reference to certain Amendments which he thought were called for in the Bill, and these he trusted would obviate some of the objections that might be entertained towards the measure. Upon the whole, he thought the objects of the Bill could be carried out without danger or inconvenience.

Mr. ROEBUCK said, he sympathized as much as the right hon. Gentleman could do in the object of the Bill, but he wanted to know where the line could be drawn. Take Wycherley. The works of that dramatist might be found in many a house. It was an obscene book, but did they suppose they could put down Wycherley? There was an elegant translation by Stanley of an obscene work called the *Basia* of Johannes Secundus. It was written originally in beautiful Latin, and was a wonderfully fine classic production, but it contained some of the most obscene passages ever written. Did they hope to prevent the sale of such a book as that? If they began this crusade, where were they to end? Take Aristophanes. If the opinions of Greek scholars were asked for, they would tell us that he was a wonderful writer, who ought to be placed on a level with our Shakspeare; but every one knew how obscene his works were, and he again asked, would it be possible to put down such books by a Bill like this? Take Martial also, he was often most obscene. If they looked at the dramatists of the reign of Charles II. they would not find one of them whose works were not objectionable on the score of obscenity. There were the works of Prior. Even the works of Pope, elegant and beautiful though they were, contained passages which no decent woman could say she had read. In the *Eloisa to Abelard*, one of the most brilliant poems in the English language, there were lines which he would be ashamed to read aloud. They might depend upon it that the passions of youth were not half so much excited by vulgar obscenity as by refined licentiousness. Where were they to stop? They could lay down no rule. He would point to the existence of gambling-houses and houses of ill fame. They were to be found in some of the best streets in London; and if they were impotent in putting these down, he thought they would fail in putting down obscene books. If they armed policemen, or other persons with authority to break into private houses, under pretence of searching for obscene books and prints, they instituted an inquisition, and began the race of despotism. He had no faith in hypocritical pretensions to virtue, and believed that by depending upon the honest and manly feeling of the people, they would do more than could be accomplished by a thousand inquisitorial and despotic Acts of Parliament.

MR. AYRTON explained, that the Amendment which he had intended to propose was to the effect that before a justice should be at liberty, on an *ex parte* statement, to break into a house in search of obscene books or prints, it should be proved that some overt act had been committed by the owner, in the way of the sale or exposure of objectionable publications. Before the Bill came on, he gave his Amendment to the hon. and learned Member for Devonport (Sir E. Perry), who had charge of the measure, and who promised to introduce the provision in question. That had not been done, and the various clauses of the Bill having been agreed to in his temporary absence from the House, he found that he had lost his opportunity of proposing the Amendment himself. He trusted, however, that his hon. and learned Friend would take care to fulfil his promise at a subsequent stage of the Bill.

SIR GEORGE GREY suggested that the hon. and learned Member for Devonport should withdraw his Motion for the exemption of Scotland, and renew it upon the Report. The Amendment of the hon. and learned Member for the Tower Hamlets might be considered at the same time.

SIR ERSKINE PERRY said, he would adopt the suggestion of the Home Secretary, stating that his Motion had been suggested by the Lord Advocate, who believed that the existing law in Scotland was quite adequate to the suppression of the productions aimed at by the Bill. He saw no material objection to the Amendment of the hon. and learned Member for the Tower Hamlets, and if it had been proposed while the clauses were under consideration, he would not have opposed it. He would adopt the same course upon the bringing up of the Report. Referring to the principle of the Bill, he contended that it was one which the House ought to approve, and alluded to the success of similar legislation in the case of gaming-houses.

MR. NAPIER supported the Bill, but thought that, instead of giving increased publicity to the sale of such publications, by a public prosecution, the moral poison ought to be destroyed on the spot. There was not, he conceived, a second opinion as to the desirableness of suppressing the sale of obscene books. The only question was, whether this Bill afforded the best means for such suppression. On the whole, he thought this measure provided the best remedy that could be afforded under the circumstances.

MR. BRISCOE maintained, that the power granted by the Bill was not greater than that conferred upon Magistrates by the Act for the suppression of betting-houses, and he thought they would exercise a similarly wise discretion in the present case. He would quote a passage from the *Moral Philosophy* of Paley, to the effect that the writing, publication, and circulation, of obscene books and prints were productive of so much mischief from so mean a temptation, that few crimes within the reach of private wickedness had more to answer for or less to plead in their excuse.

MR. WHITE said, he thought the Bill pointed to a species of legislation in which Parliament ought not to indulge without the greatest caution. He admitted that an immense deal of mischief resulted from the sale of obscene publications, but remarked that if they passed the Bill in its present shape they would require a statute to define what obscenity was. There was at present a law in America by which books designated as obscene were liable, not only to confiscation, but destruction, and it happened, curiously enough, that a book which might be found in the library of that House—the *Museo Borbonico Napolitano*—had been condemned under the American law, although he had been unable to discover anything indecent in it. Some people thought that the naked human figure, except to students of art, was objectionable, and he had even heard it whispered that some part of the Literary works of Lord Campbell himself—his *Lives of the Lord Chancellors*, and his *Lives of the Lord Chief Justices*—might and would be made the subject of prosecutions, in the event of this Bill becoming law.

Mr. MONCKTON MILNES said, he had been informed by several respectable booksellers in the metropolis, that they viewed with dread the progress of this Bill, not because they were capable, in any way, of infringing the law, but because, being accustomed to buy whole libraries and large masses of books containing many thousand volumes which it was impossible to examine thoroughly in a short time, they really were not acquainted with the nature of all the books which lay in stock in different parts of their large establishments at any particular moment. They entertained a well-grounded fear that, in a trade where so much competition existed, the Bill, if passed, would enable any man, hostilely disposed towards them, to give information, and declare upon oath, that he knew they had some obscene books in their possession. They said the chances were, that the allegation might turn out to be true; but, even supposing that no such books should be found in their possession—that they should be fully acquitted—did the Committee not think that the fact of their stocks having been overhauled by policemen, would, of itself, seriously damage their character, and prejudicially affect their business as private tradesmen? He believed that the evil complained of was limited to two or three streets in the Metropolis, which had become notorious for the exhibition and sale of indecent publications, and he was not to be told that they could not provide an adequate remedy without establishing a system of domiciliary visits most dangerous in principle and most injurious to private individuals. Nothing could be more easy than to arm the police, even on their own information, without the intervention of anybody else, with power to make application for warrants authorizing them, whenever they saw indecent books or prints exposed for sale, to seize and destroy them. But the Bill was a clumsy method of meeting the evil, one

totally alien to the habits of this country, and certain, in the end, to be disgustful to the English people. He believed, in truth, that the Bill would never have reached its present shape if hon. Members had had the manliness to state what were their real opinions on the subject.

Mr. MALINS supported the Bill, which, he said, was intended to abate a nuisance of the most abominable character. Thirty years ago, there were no fewer than fifty-four shops for the sale of obscene books and prints existing in London. By means of prosecutions, instituted at various times, the number had been reduced to about twenty; but still the evil was one of the greatest magnitude. The present law was unable to provide an adequate remedy, and, although he admitted that the power granted to magistrates by this Bill was large and summary, yet they ought not to be too careful or chary when a great nuisance was to be abated. The hon. Member who spoke last had, no doubt, a billiard-table in his house, yet surely he was under no apprehension that he would be subjected to a domiciliary visit by the police, under the pretence that he kept a gaming-house. So with regard to the respectable booksellers, to whom allusion had been made. They need not fear that warrants would be taken to search their great collections of books. The object of the Bill was to put down a notorious and crying evil, and he was convinced, that, as in the case of the Act for the suppression of betting-houses, the powers granted by the Bill would not be abused. At the same time, he thought that, in the event of a seizure, the owner should have an appeal from the decision of the Magistrate as to whether the productions were obscene or not. What one magistrate might call obscene, another might regard as perfectly pure; and therefore, instead of giving the magistrate an absolute power to destroy the articles brought before him, he hoped that the simple power of impounding would alone be granted.

Mr. ADAMS said, he could see no reason why Scotland should be excluded from the operation of the Bill. He did not at all agree with the hon. and learned Member for Sheffield, that country magistrates were at all likely to abuse the law for the purpose of getting at the materials of poaching; but thought the power of destruction under the Bill ought to be a little more guarded. At the same time he did not go quite so far as the hon. Member for Wallingford (Mr. Malins), in giving an appeal to the quarter sessions before destruction could be ordered. It struck him that would be giving a publicity to the existence of these obscene works very much to be avoided. He thought that sufficient protection against the arbitrary exercise of power on a matter of taste would be afforded by declaring that no such property could be destroyed except upon the order of two magistrates. At the same time he wished to observe that he believed that this evil was much more wide-spread than some hon. Gentlemen seemed to suppose. It was not merely that these obscene and filthy publications were exhibited in the shop windows for sale, but the poison was disseminated all over the country, and was introduced into schools through the agency of pedlars who gained admission into them. And it was within his own knowledge that these persons in many instances derived their principal gains from the sale of such books, so large was the profit upon them. It undoubtedly was a matter of the severest reproach that in this metropolis there should be found whole streets devoted to the sale of these publications, and that the law should be insufficient to suppress such a trade. He thought, therefore, that the country was under great obligations to the noble and learned Lord who had originated this Bill, to which he should have great pleasure in giving his hearty support.

SIR ERSKINE PERRY thought, that to allow of an appeal to the quarter sessions would be tantamount to advertising the sale of these publications; as regarded, however, the other suggestion, of requiring the adjudication of two magistrates instead of one, he was quite willing to take that into consideration, and see if, on bringing up the Report, an Amendment to that effect might not be introduced.

MR. MALINS said, he had not meant to fix upon the quarter session as of necessity the tribunal to which the appeal was to be made; he simply contended against the decision of one man being final in such a case.

MR. JOHN LOCKE opposed the Bill, and pointed out that the word "exhibition" in the first clause might be held to apply to a man who showed another a book or a picture in his own house. Then, again, the phrase "being otherwise published" was most objectionable. What did those words mean? If a libellous letter was handed to one person it was deemed publication of libel, and so the exhibition of an obscene book or print to one person would bring the party within the compass of the Bill. He thought before the measure was allowed to pass very material Amendments should be made in the first clause, and in addition—notwithstanding the objection that had been made to the proposal—there should be the ordinary clause giving an appeal to the quarter sessions.

THE CHANCELLOR OF THE EXCHEQUER reminded the Committee that the only question at present before them was whether Scotland should be exempted from the operation of the Bill. He understood that it had been agreed to that the discussion upon that point should be taken on bringing up the Report, and therefore he thought it would be most convenient to pass over the matter for that day and proceed at once to the other business upon the paper.

MR. ROEBUCK admitted that they were discussing the whole Bill upon one of its last stages, but the reason for that was to be found in the hurried manner in which it had passed through the House. The hon. and learned Member for Devonport (Sir E. Perry) in his innocence declared that, having arrived at years of discretion, he did not know of one gambling house in London, while in the fiery years of his youth he was acquainted with many. The change that had taken place with regard to the hon. and learned Gentleman was intelligible, but did he therefore believe that there were no gambling-houses in London? Then take another class of houses of ill-fame, which were just as mischievous as gambling-houses or obscene print shops. No man who walked the London streets could deny that such houses abounded in almost every street, and in some of the best streets of the Metropolis. If Parliament had been impotent to put down such houses, they would be equally impotent to suppress the traffic to which this Bill referred. He had been accused of libelling the magistracy, but when he remembered that within a few days a magistrate had been removed from the bench for having perverted the game laws for his own profit, he (Mr. Roebuck) was entitled to assume that others might be found who, for a similar object, might avail themselves of the stringent powers of the Bill. They were all agreed upon the desirability of stopping the abominable traffic, but they differed as to the means that should be employed. By the Bill a single magistrate's decision was supreme upon the question of what was obscene. Now, the Committee were aware that to some persons naked statues were obscene. There were persons of prurient imagination, who were well described by Swift when he said "the nicest people have the nastiest ideas." Some persons had complained of the statue of "the Greek Slave," exhibited at the Crystal Palace, as indecent, although he should have thought that all men of taste would have regarded the cold marble with feelings as cold as the marble itself; but so prurient and heated were the imaginations of some that they positively called the work of art an indecent object. Might not such people be found upon the bench, who would be called upon to act under this Bill? There was a picture in the National Gallery of "Venus and Adonis." Supposing that a man, having an engraving of that picture, were charged under this Bill, and the magistrate chose to consider it an obscene print, he could order the engravings to be destroyed, while Parliament was now called upon to find money for building a place wherein to exhibit the original picture to all the world. There were some Surrey magistrates who wanted to shut up Vauxhall, and others who wished to put aprons on the statues in the Crystal Palace. If the Bill passed in its present shape, a canting, hypocritical justice could declare that what they called works of art were works of obscenity.

Mr. HENLEY was strongly of opinion that jurisdiction, more especially in the first instance, ought not to be confided to less than two magistrates. For surely it was more difficult for a man to decide as to what he did not see than as to what was brought before him which he had an opportunity of inspecting. At the same time he thought there ought to be an appeal allowed by the Bill in some shape or other.

Sir GEORGE GREY said, that during the discussion, which was not quite regular, several suggestions worthy of consideration had been thrown out, and he therefore would recommend the hon. and learned Member who had charge of the Bill to allow the Bill to be re-committed.

Mr. SEYMOUR FITZGERALD still retained the opinion that the speech of the hon. and learned Member for Sheffield was a libel upon the magistracy of England.

Sir ERSKINE PERRY was willing to adopt the suggestion of the right hon. Gentleman the Home Secretary.

Mr. Roebuck

Clause *negatived.*

House resumed. Bill *reported,* with an Amendment; *Re-committed* for *Friday.*

SUPPLY.—REPORT.

Vote for Pimlico Improvements.

Sir HENRY WILLOUGHBY asked whether the account of those improvements might be considered as settled.

The CHANCELLOR of the EXCHEQUER said, the First Commissioner of Works (Sir B. Hall) was the person who could best answer the question, but he was not at that moment in the House.

Mr. STAFFORD regretted the absence of the hon. Gentleman, and remarked that it had become a not unfrequent occurrence that Ministers were absent at the time when Votes were being taken for their particular departments, which prevented the House from obtaining the full information that was desirable. He should like to know when the explanation required by the hon. Baronet would be given.

Sir GEORGE GREY had no doubt that his right hon. Friend (Sir B. Hall) would have been in his place if he had imagined there would have been any discussion as to this Vote. If the hon. Baronet would put the question to-morrow, he would be sure to obtain all the requisite information.

Sir WILLIAM JOLLIFFE thought that when once hon. Gentlemen in that House had sanctioned the costly expenditure upon Buckingham Palace, they ought not to complain that the neighbourhood of the Palace was being made respectable. There was no other expectation before them than that this expenditure must continue, and his only hope was that, as they had already incurred the expenditure of £500,000, they would construct such a class of houses as would remunerate the country for such an outlay.

Sir HENRY WILLOUGHBY hoped the House would not yield up their valuable privilege of discussing Votes on the bringing up the report of Supply.

Sir GEORGE GREY quite coincided in the view taken by the hon. Baronet, but he must deprecate the censures cast upon his right hon. Friend (Sir B. Hall) for not being present on that occasion, by the hon. Member for Northampton.

Mr. STAFFORD said, he was quite prepared to uphold the censure which he had passed upon the right hon. Baronet for his absence upon such an occasion. When first he (Mr. Stafford) entered Parliament it was always the custom of Ministers who had charge of Bills to be present in their places whenever there was a chance of a discussion being raised with respect to them; and certainly the business of the country was not better done now than it was in those days when the discipline of the Treasury bench was much more remarkable.

Resolutions *agreed to.*

Question that Mr. Speaker do leave the Chair to go into Committee of Ways and Means.

THE BRITISH CHAPEL IN PARIS.
QUESTION.

MR. WISE said, he wished to inquire what steps the Government intend to take in respect to the £2,000 which has been advanced from the Fund for Civil Contingencies for the purchase of a Chapel in Paris—a transaction which the Committee refused to sanction.

THE CHANCELLOR OF THE EXCHEQUER said, the decision of the House was so recent that the Government had not had time to come to any determination; but they would immediately communicate with Lord Cowley, and after hearing from him would consider the steps they should take.

WAYS AND MEANS.—THE TEA AND SUGAR DUTIES.

House in Committee, MR. FITZROY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER said: It will be in the recollection of the Committee that, early in the last Session, I laid before them a proposal for an alteration in the duties on tea and sugar, which were then fixed by the existing law. That proposal referred to a period of three years, commencing from the 1st of April last. I proposed a certain triennial scale of duties, which were higher than the duties that would have been leviable under the then existing law. In consequence of the dissolution of Parliament, the Government were called upon to alter their plan. I, accordingly, withdrew the proposition I had made for a triennial settlement of the duties on tea and sugar, and I afterwards introduced a Resolution, and, subsequently, a Bill to fix these duties for a year, commencing on the 1st of April last. The proposition underwent a very full discussion, and it is unnecessary for me, now, to repeat the arguments that were then used upon the subject, inasmuch as, the discussion being so recent, they are, no doubt, within the recollection of the Committee. The effect of that alteration of the law was, that the duties on tea and sugar, although fixed at a lower rate than that which existed for the year ending the 1st of April last, were fixed at a rate which was higher than that at which they would have stood if that Act had not passed. But the rate was fixed only for the year commencing the 1st of April last, and ending the 1st of April, 1858. The Resolution which I have now placed in your hands, Sir, is not intended to make any alteration in the duties upon tea and sugar which are leviable under the existing Act, until the 1st of April next, and although it does purport to substitute certain duties for those existing from the present time, nevertheless, it makes no change in those duties up to the 1st of April next. The object which I really have in view is, to continue, for two years from the 1st of April next, the duties which are now leviable by law up to that date. It is a measure substantially to carry into effect the proposition I made at the beginning of the previous Session, with respect to the two years from the 1st of April next, and which was dropped in consequence of the dissolution. The Committee, therefore, will understand that I do not propose to make any alteration in the Ways and Means for the existing year, but I merely propose to continue the existing duties, as they stand at present, for two years, from April next. I should not have felt it my duty to make any proposition now, with regard to the tea and sugar duties, any more than with regard to the income tax, for which I also proposed a triennial settlement, were it not for the circumstance that, with respect to articles which are imported, as in the case of tea entirely, and sugar partially, from great distances, it is expedient to give as long a notice of the intended duties as is possible, because a short notice is extremely embarrassing and disadvantageous to merchants and traders, and, moreover, prevents the consumer from obtaining the full benefit which might be derived from the existing rate of duties. If I had delayed making any proposition upon the subject of a change in the duties payable after April next, until the month of February or March, I should have been told, and truly so, that that was too short a notice to give to the trade. I, therefore, thought it was incumbent on me to make my proposition at the end of the present Session, in order to give ample notice to all persons interested in the matter. I laid upon the table, at the beginning of July, a very full return, on the subject of the duties on tea and sugar; and if hon. Gentlemen have perused that document, I am sure they have found it to contain more complete and more authentic information upon the subject of the consumption of tea and sugar in this country than was ever before included within the same compass. Assuming, therefore, that the Committee have had an opportunity of consulting that document, it will be unnecessary for me to make any lengthened statement upon that subject. I would, however, venture to call the attention of the Committee to one or two facts bearing upon this question. The amount of revenue raised from the sources we are now considering may be taken, in round figures, to be about £10,500,000 a year. The sugar duties, in the year 1855, produced £5,058,500, and in 1856, £5,129,649. The tea duties, in 1855, produced £5,310,275, and, in 1856, £5,129,649. The average revenue for the last two years, from tea and sugar, has been £10,517,525; therefore, it will be seen that a very large revenue is at stake with reference to the duties of tea and sugar. There is also another fact to which I beg to call the attention of the Committee. I fully concur with all that can be said as to the benefit which all classes of the community, and especially the working classes, would derive from a reduction of the duties on tea and sugar. The returns on the table show how increased consumption has been the consequence of reduction in the price of those articles. They suggest most strongly the making—and I regret that it is not in our power, looking at the present and prospective expenditure of the country, to be able to make—further reductions in those duties. There is, however, this consolatory consideration, that the duties fixed by the present Act are lower, with respect to tea and sugar, than they have been at any previous time. With regard to sugar, the duty may have been lower at some time in the last few years; but, with regard to tea, the duty is lower than at any previous time. The war-duty on tea, last year, was 1*s*. 9*d*. per lb., and it is fixed, at present, at 1*s*. 5*d*. per lb. The duties on sugar are more complicated, but they are lower, on the average, than they have ever been. The average duty on sugar, last year, was 14*s*. 6*d*., and it is now about 14*s*. per cwt., though, in the common sorts, there is a difference of about 2*s*. 6*d*. per cwt. If, therefore, the scale, under the present Act, is compared with that of former years, it will be found that, on the whole, there is a reduction of duty. In continuing the present duties there will, therefore, for the future, be a lower scale than in previous years. With regard to tea, there is a very material reduction, as compared with a year as late as 1852. In 1852, and up to that time for a series of years, the duty was 2*s*. 2¼*d*., whereas, it is now 1*s*. 5*d*. per lb. The Committee will find in the papers before the House an account which I have obtained since the end of last Session, with a view of showing the comparative consumption of tea and sugar by different classes of society. Such a return has never been obtained before, and I will, with the permission of the Committee, state shortly what appears to be the comparative consumption of different classes in different parts of the United Kingdom. With regard to tea, it appears, on the best information that can be obtained, that in England the upper and middle classes consume 56 per cent of the whole quantity, and the poorer and working classes consume 44 per cent. In Scotland the upper and middle classes consume 54 per cent, and the poorer and working classes 46 per cent. The proportion in England and Scotland is very nearly the same. But with regard to Ireland the ratio is reversed. The upper and middle classes consume 35½ per cent, and the poorer and working classes consume 64½ per cent. There is considerable difficulty in accounting for this difference, assuming the returns to be correct; and the only suggestion that I can make is that, owing to the smallness of the middle class in Ireland, compared with the rest of the community, and the great proportion of poor to the entire community, in comparison with England and Scotland, the consumption is greater by the poor of Ireland, though it is smaller by the poor of England and Scotland. With regard to sugar, it appears that, in England, the upper and middle classes consume 60 per cent., and the poorer and working-classes 40 per cent of the total quantity. In Scotland, the upper and middle classes consume 62 per cent, and the poorer and working classes 38 per cent. Again, the same ratio is reversed in Ireland. In Ireland, the upper and middle classes are stated to consume 34 per cent, and the poorer and working classes 66 per cent.

Mr. STAFFORD: How do you divide the classes?

The CHANCELLOR of the EXCHEQUER: They are not divided by me, but by the persons who made the return. Like many other divisions, it is a division of degree. There is no precise line to be drawn; but, in the same manner, there is no precise line to be drawn between moderete heat and excessive heat: nevertheless, there is an intelligible line which any person can draw.

Sir HENRY WILLOUGHBY: Upon what bases are those calculations founded?

The CHANCELLOR of the EXCHEQUER: The returns are obtained in Ireland from the Poor Law Commissioners, and in England and Scotland partly from the Board of Inland Revenue, and partly from the Board of Customs. The returns have been obtained with great care, but may be liable to error. I give them to the Committee as the best information it is in my power to obtain. I think they will admit that the subject is worthy of consideration. With regard to the duty on sugar, I cannot, on the whole, consider it a very excessive duty as compared with the price. The average price of sugar in bond, for the six years from 1851 to 1856, was £1 5*s.* 1½*d.*, per cwt. The average duty may now be taken to be 14*s.* Therefore, the Committee will see that it is a duty which, as compared with the price, is not excessive. With regard to tea, I regret to say the duty, as fixed at present, bears a greater proportion to the price, and undoubtedly, if our financial position admitted of any moderation of these duties, the duty on tea would seem to have a stronger claim on our consideration. The average price of tea in bond, for the same six years, was 1*s.* 2½*d.* per lb. The duty, at present, is 1*s.* 5*d.* Therefore, the duty on tea, taking the average price, is more than 100 per cent, which is a high duty, and, looking at the consumption of the country, it would be very desirable, if our financial position permitted, to reduce it. But there is one circumstance to which I am desirous of calling the attention of the Committee with respect to the operation of these duties. What really affects the consumer and the extension of consumption is, of course, the price which he has to pay. The price is partly affected by the duty, but also by other causes independent of the duty. Therefore, in looking at the increase or diminution of consumption, it is necessary to bear in mind, not only the increase of duty but the variation of price, which may be greater than any alteration of duty. I will venture to call the attention of the Committee to an illustration of this remark. The smallest consumption of sugar per head, since 1816, was in 1840. Comparing the two years 1839 and 1840, the consumption stands as follows:—In 1839 3,830,393 cwts.; in 1840, 3,594,412 cwts. In 1839, the average duty was £1 4*s.*; in 1840 it was £1 5*s.* 2*d.*: increased duty in the latter year, 1*s.* 2*d.* per cwt. Taking the facts of a diminution of consumption in the latter year, and an increase of duty, a person would naturally say, there is the explanation of the diminution of consumption. But, when we look further, we find other causes much more operative. In 1839, the average price in bond was £1 19*s.* 2*d.* per cwt. In 1840, it was £2 9*s.* 1*d.*, showing an increase of 9*s.* 11*d.* The average price, inclusive of duty, in 1839, was £3 3*s.* 2*d.* In 1840, it was £3 14*s.* 3*d.*:—showing an increase in the total price of 11*s.* 1*d.*, of which only 1*s.* 2*d.* was due to the increase of duty. Therefore, it is manifest that the great diminution of consumption which occurred in the latter year, was mainly attributable to the natural increase of price, and not, to any great extent, to an increase of duty. In further illustration, I will take the last two years, 1855 and 1856. In 1855 the consumption was 7,547,157 cwts.; in 1856 it was 7,071,515 cwts. In 1855, the average duty was 13*s.* 5*d.*; in 1856 it was 14*s.* 6*d.*, being an increase of 1*s.* 1*d.* Looking at the diminished consumption and the increased duty, a person might say that is the cause. But then it must be borne in mind that in 1855, the average price in bond was £1 6*s.* 9*d.*, and in 1856, £1 9*s.* 7*d.*, being an increase of the price in bond of 2*s.* 10*d.* The average price, inclusive of duty, was, in 1855, £2 0*s.* 2*d.*; and, in 1856, £2 4*s.* 1*d.*, being an increase of 3*s.* 11*d.* of which only 1*s.* 1*d.* was due to the increased duty. That also shows that the principal cause of diminished consumption was the natural increase of price, owing to the diminished supply, and, not in any great extent, to the increase of the duty. Under those circumstances, I trust the Committee will agree to the Resolutions which I have placed in the hands of the Chairman, authorizing me to found a Bill upon them, to continue, for two years from the 1st of April next, the existing duties on tea and sugar.

I will now revert to the question put to me by the hon. Baronet opposite (Sir H. Willoughby) with respect to the probable demands on the Exchequer in aid of the finances of the East India Company. The proposal which I now make will not add anything to the Ways and Means of the current year. It makes no alteration whatever with respect to the year ending the 1st of April next. It only proposes to arrest the fall of duties which would otherwise occur at that period, and to continue the existing duties for a term of two years. It seems to be expected by the hon. Gentleman, and there seems to be in the minds of the public an impression, that it will be incumbent on Her Majesty's Government to make some proposal before Parliament separates, with the view of assisting the Indian Trsasury. In the present state of public affairs in India, it has been my duty, and the duty of Her Majesty's Government, to communicate with the Chairman of the East India Company on this subject and the East India Company have been informed that the Government were ready to take into consideration any representations which they might make with respect to any change in the law which they might wish to propose as to their power of borrowing money, or with respect to any financial assistance which they might wish to receive from the Government with consent of Parliament. But the Directors, having investigated the question, did not find that they were in a position which made it necessary that they should apply to the Government, at present, for any such assistance. The present financial means of the East India Company are ample. Their present difficulties, great and formidable as they undoubtedly are, are not of a financial kind. Of course, it is impossible to say how soon financial exigencies may occur, but in the existing state of the East India treasury, we are informed, and we entertain no doubt, that there are ample means of meeting any demand likely to be made on the Indian Exchequer. Under those circumstances, Her Majesty's Government, as at present advised—subject, of course, to information which may, at any moment, arrive—do not feel called upon to submit to Parliament any proposition with regard to assistance to be afforded to the East India Company. I can say, therefore, that the Ways and Means which the liberality of Parliament has placed at the disposal of the executive Government, appear, as far as I am able to judge, to be ample for meeting the probable wants of the present financial year. If the Government had any reason to doubt their sufficiency, they would not be slow in bringing the matter under the consideration of this House, in full confidence that any want which could be established with regard to finance, and that any demand for expenditure which could be proved by demonstrative evidence to be required for the interests, the defence, and the welfare of the country, would be furnished by the liberality and public spirit of this House. The Government are not restrained by any doubt of the willingness of this House to meet any reasonable demand on their part; but, as far as they are able to judge, there is no immediate reason for making such a demand. I will merely remind the House that, up to the present time, all the demands upon the Exchequer of this country have been satisfied from the Ways and Means of the current year. We have already discharged £2,000,000 of Exchequer bonds which fell due in the month of April last; and, within the last few days, a considerable sum, in respect of the redemption of the Sound Dues has been paid. Notwithstanding those large payments, one of which was in redemption of debt, and the other in a matter equivalent to the extinction of debt, yet the growing revenue of the year appears, at present, adequate for the demands of the country, and, notwithstanding the large shipments of troops to India, I do not anticipate, at present, any inadequacy of Ways and Means to cover the expenditure of the year. I will merely add, in reference to what fell from the hon. Baronet, that he is no doubt aware that, as soon as regiments are transferred to the service of the East India Company they become chargeable to the revenue of India, and cease to be chargeable to the revenue of this country. Therefore, so far as measures have at present gone, they have produced relief rather than burden to the Exchequer of this country. The dissolution of the Bengal army, however disastrous an event to the Indian empire, is, nevertheless, immediately attended with a diminution of expense, inasmuch as the pay of about forty regiments, with the exception of the British officers, at once ceases. The immediate effect of these evils is not to bring any great charge upon the Indian or English Exchequer, and the principal loss to the Indian Government arises from the plunder of their treasuries, and the cessation of the collection of taxes in the disturbed Provinces. But the places of the regiments sent to India will be filled by recruits. Recruiting is, of course, a gradual process, and the expense attending the supplying the regiments shipped for India comes on by degrees, and, when it is carried to the full extent, only creates a charge equal to that removed by the departure of those regiments. My noble Friend at the head of the Government has already explained, with regard to the embodied militia, that it is our intention to call out regiments only so far as may be necessary in consequence of the slow process of recruiting; but it is not anticipated that the Vote, to which the House agreed last night, of £200,000 will be insufficient, and, possibly, the whole of that Vote will not be required. Under these circumstances, as I stated before, I do not, at present, anticipate that I shall have to make any further propositions to the House in Committee of Ways and Means, or in Committee of Supply, beyond what are now on the table, and I trust, that, after these explanations, the Resolutions in the hands of the Chairman will receive the assent of the Committee. The right hon. Gentleman concluded by moving the following Resolutions:—

Resolved,—

"1. That, towards raising the supply granted to her Majesty, in lieu of the duties of Customs now chargeable on the following articles imported into Great Britain and Ireland, and in lieu of the duties of excise now chargeable on sugar made in the United Kingdom, the following duties shall be charged until the 31st day of March, 1860, inclusive, (that is to say):—

	s.	d.
Candy brown or white refined sugar, or sugar rendered, by any process, equal in quality thereto, per cwt.	18	4
White clayed sugar, or sugar rendered by any process equal in quality to white clayed, not being refined or equal in quality to refined, per cwt.	16	0
Yellow muscovado and brown clayed sugar, or sugar rendered by any process equal in quality to yellow muscovado or brown clayed, and not equal to white clayed, per cwt.	13	10
Brown muscovado or any other sugar, not being equal in quality to yellow muscovado or brown clayed sugar, per cwt.	12	8
Molasses, per cwt.	5	0
Cherries, dried, per lb.	0	2
Comfits, dry, per lb.	0	2
Confectionary, per lb.	0	2
Ginger, preserved, per lb.	0	2
Marmalade, per lb.	0	2
Plums preserved in sugar, per lb. ..	0	2
Succades, including all furits and vegetables preserved in sugar, not otherwise enumerated, per lb.	0	2
Tea, per lb.	1	5

"2. That the following drawbacks shall be allowed on the exportation to foreign parts, or on removal to the Isle of Man, for consumption there, of the several descriptions of refined sugar hereinafter mentioned, until the 31st day of March, 1860, inclusive, (that is to say)—

	s.	d.
Upon refined sugar, in loaf, complete or whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness throughout, or sugar candy, or sugar refined by the centrifugal machine, or by any other process, and not in any way inferior to the export standard, No. 3., approved of by the Lords of the Treasury, per cwt.	17	2
Upon such refined sugar already described, if pounded, crushed, or broken, in a warehouse approved by the Commissioners of Customs, such sugar having been there first inspected by the Officers of Customs, in lumps or loaves, as if for immediate shipment, and then packed for exportation in the presence of such Officers, and at the expense of the exporters, per cwt.	17	2
Upon refined sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the export standard sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than 5 per cent. moisture over and above what the same would contain if thoroughly dried in the stove, per cwt...	16	4
Upon bastard or refined sugar, unstoved, broken in pieces, or being ground, powdered, or crushed, not in any way inferior to the export standard sample, No. 2, approved by the Lords of the Treasury, per cwt.	15	1
Upon bastard or refined sugar, being inferior in quality to the said export standard sample, No. 2, per cwt. ..	12	8

"3. That, towards making good the Supply granted to her Majesty, the sum of £16,277,482 15*s.* 9*d.* be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

"4. That, towards making good the Supply granted to her Majesty, there be issued and applied to the service of the year 1857, the sum of £606,234 4*s.* 3*d.*, being the surplus of Ways and Means granted for the service of preceding years."

Resolutions to be reported *To-morrow*, at Tweve o'clock; Committee to sit again on *Friday*.

First Resolution proposed.

MR. GLADSTONE: Sir, I do not rise for the purpose of opposing the Resolutions of the right hon. Gentleman, or of detaining the Committee for any length of time, but it does appear to me that we must regard this proposal as an omen of other proposals which are to follow it. And I cannot but think that the mention of sweetmeats is in strong contrast with the nature of the right hon. Gentleman's proposals. There is one statement of the right hon. Gentleman upon which I have the misfortune to differ from him, and I cannot allow it to pass without recording my protest against it. He speaks of having paid off £2,000,000 of Exchequer bonds and provided for the Sound Dues, as if in either of those operations he were extinguishing debt, or performing a process analogous to the extinction of debt, out of the legitimate Ways and Means of the year. I do not wish to revive arguments which we have had at great length; but, so far as the Sound Dues are concerned, the case is this:—In the years 1856 and 1857, by the exercise of borrowing powers to a considerably greater extent than the ultimate expenditure required, there were large balances of borrowed money in the Exchequer, and out of those balances the Government applied £1,000,000, and something more, to the extinction of the obligation contracted with respect to the Sound Dues. The Sound Dues were just as much discharged out of borrowed money as if a special loan had been raised for the purpose. As respects Exchequer bonds, so far from considering that we have liquidated £2,000,000 out of what may be regarded as legitimate Ways and Means, I contend not only that those £2,000,000 but that £2,000,000 or £3,000,000 more, which we are applying to Ways and Means ought to be applied to the liquidation of public debt in redemption of the pledge given by Parliament; and next Session it will be necessary to review that subject at greater length. As respects the general matter of the speech of the Chancellor of the Exchequer, I am glad to understand from him that the East India Company are in such a state as regards finances that he contemplates they will be able, from their own resources, to meet for the probable period of six months the heavy charges of operations which must be undertaken in that country. If that be the case, I entirely agree both with the authorities of the Company and with the right hon. Gentleman in the wisdom of not making any present application to this House. In what he said, he perhaps alluded to what fell from me when I respectfully tendered to the Government my advice, that if they foresaw the coming necessity of rendering pecuniary aid to the Indian Government they should render a portion of that aid at once. But I quite agree that if the resources of India are in such a state as the right hon. Gentleman represents them, it is much better to avoid any demand at the present. Grave as is the crisis, most weighty as may be many of the matters raised and discussed with great ability by the right hon. Gentleman the Member for Buckinghamshire, yet I confess I incline, in common with the hon. and gallant Member for Aberdeen (Colonel Sykes), who addressed the House very recently and very admirably, to the opinion that there is nothing absolutely unreasonable in the hope that, by the blessing of Providence, the head of this mutiny, gigantic as it is, may be crushed, and certainly, so far as positive evidence goes, I cannot see the evidence upon which the right hon. Gentleman the Member for Buckinghamshire interprets this mutiny into general disaffection of the people of India. The Resolution now before the Committee has no reference whatever to Indian affairs. We are not going to increase Ways and Means, nor to make provision, directly, or indirectly, in reference to the state of Indian affairs. If any such necessity should arise it will be dealt with hereafter—but we are going to make an addition to the Ways and Means of the next two years, in the form of indirect taxes, which my right hon. Friend will be the first to admit are of a highly exceptional character. I cannot find fault with him for making that proposal to the Committee. On the contrary, I think he has exercised a wise discretion in making the proposal now, and in that manner giving full notice to all persons commercially interested in the great trades, tea and sugar, rather than postponing it to a future Session of Parliament. It may, perhaps, be thought strange that I, who offered the best resistance in my power when it was proposed to increase the tea and sugar duties, should now follow a different course. But all the considerations then in existence which led me to offer that resistance prove how improper it would be to renew it. At the period of resistance Parliament was under no pledge with reference to the great questions before the country. Parliament had done nothing to affirm in any manner the policy of the Government with respect to the Persian war; and with regard to the expenditure for the Persian war, it was estimated at an amount altogether trifling. Respecting the war in China, so far from having approved, the House passed a vote in condemnation of that policy. The Estimates which were presented in the early part of the year were presented as peace Estimates, and it was a most important question for consideration on what scale our peace Estimates ought to be framed. The question of military force is intimately connected with the spirit of our foreign policy. The spirit of our foreign policy, along with the Estimates, has since then passed under the review of the country, and I am bound frankly to own that the opinion of the country with respect to that foreign policy, though it may be only temporary, differs widely from mine. It appears, therefore, plain that nothing can be more unfair than, when the country is disposed to recommend a policy involving great expenditure, to interfere with the right hon. Gentleman, who, as Minister of Finance, wishes to make timely provision, so far as is in his power, for that expenditure. There is another point most perplexing and embarrassing to my mind, and that is, the important scale of movement in the Miscellaneous Estimates. We have not only to look back to the rapid increase in those Estimates, extending over several years, but we have to consider what are the prospects for the future; and I am sorry to say that in my humble and conscientious opinion those prospects are still more gloomy and perplexing. It is quite true that on particular occasions we cavil with or make legitimate objections to some proposal of the Government. We have induced them to postpone a Vote for a museum in Edinburgh, which I am bound to say is a perfectly reasonable requirement, on a moderate scale; and we have struck out a Vote for a chapel at Paris. These things are all very well in their way, but in the majority of cases they are not instances where we retrench, but rather instances where we adjourn the charge. As regards the general scale of the Miscellaneous Estimates, it is impossible that they should be effectually cut down in this House. It is the Government, and the Government only, wisely and firmly supported by this House, that can possibly cut them down. I may, perhaps, be of a censorious disposition, but I frankly own that that the views of the Government with regard to public economy are not my views; but, if they were, is the Government firmly and justly supported by this House? What has happened in the last fortnight? Have we not seen a Bill carried, which I believe unprecedented in our history, for the wholesale increase of the salaries of public servants, in the face of an announcement supported by detailed statements from the Government, to the effect that, if we vote for that Bill, we must be prepared to see a permanent addition to the public burdens of £200,000 a year. In twenty years of criticism of Miscellaneous Estimates this House will not, so far as mere money is concerned, undo as much as it did by passing that most objectionable measure. I hope I shall not be thought to be exceeding the province of an individual Member of this House in making these comments on proceedings which have received the sanction of a large majority; but having been during the whole Session a prophet of ill, regarding with alarm the financial embarrassments towards which we are drifting, and having, perhaps too freely, found fault with my right hon. Friend for proceedings in matters of finance, I think it but fair to keep in mind an operation so remarkable and so unprecedented, as this which proves to me that the temper of the public, reflected as it is by this House, is not favourable at the present moment to economy, and which makes it the duty of those who think they see a storm coming, and who wish to mitigate its force, to raise their voice in time in the hope that something may be done to avert it, or to render it, at all events, less formidable. I tender my thanks to my right hon. Friend for having made this proposal. There is nothing surreptitious in its character. It bears on its face exactly what it is. Above all, I rejoice in the proposal on this account, that when we come near to a state of financial embarrassment we always have to recollect that two alternatives may happen to us, either of them worse than an increase of taxation—one, an attempt to shuffle and shamble on from year to year with successive deficiencies; the other, to make loans to meet the ordinary expenditure of the country in time of peace. In my opinion either of these courses is most detrimental and most disgraceful to the country, and I frankly own that I feel the more grateful to my right hon. Friend on the present occasion, because I interpret the proposal as a clear sign that he is impressed with similiar opinions with regard to the weakness, the imbecility, and the disgrace of having recourse to either of those expedients, and as a pledge that if the necessity arises he will propose at once to meet that expenditure of the country by the only wise, honest, and manly course—an addition to its burdens.

MR. CLAY denied that he had been a party to extravagant expenditure in voting for the second reading of the Superannuation Bill. The loss which had been sustained by the abolition of the deductions need not be a total loss. His only object had been to redress the grievances of which the civil servants complained, in being made to pay to the superannuation fund a great deal more than was represented by the superannuation allowances. There ought, in his opinion, to be a revision of the salaries of the public servants.

MR. GLADSTONE: What I said on that point proceeded on the joint effect of the Bill and the frank declaration of the Chancellor of the Exchequer, that he should accept and carry out the declaration of the House without any qualification. If the hon. Gentleman thinks there ought to be a revision of salaries, let him move an address to the Crown to that effect. I have no doubt he will receive very considerable support. I will support him for one; and I don't think that the Chancellor of the Exchequer will feel at all disobliged to him. I would make such a Motion myself; but, having opposed the Bill from the first, it would not have so much weight as one proceeding from the hon. Gentleman.

SIR HENRY WILLOUGHBY said, it was not at all clearly proved that the deductions were too large for the allowances made. All the evidence went to show that that question was not yet satisfactorily decided. His opinion was that the Exchequer in the end would be a loser instead of a gainer, as was generally supposed. His reason for opposing the Bill of the noble Lord the Member for Cockermouth (Lord Naas) was, that he looked upon it as a very unstatesmanlike mode of settling the question. He had no intention of opposing the proposition of the Chancellor of the Exchequer now before the Committee, although he was of opinion that there were other articles which could better bear an increase of taxation than tea. He did not attach any great weight to the calculations which the Chancellor of the Exchequer had entered into as to the tea consumed by the different classes of the community. It was difficult to tell how consumption went. The lower classes consumed almost as much of the higher-priced teas as the upper classes.

THE CHANCELLOR OF THE EXCHEQUER: I did not say anything about the quality of the tea consumed by different classes; it was only the quantity of which I was talking.

SIR HENRY WILLOUGHBY: The calculations as to the quantity even could not be very trustworthy. He was glad to hear that the East India Company did not feel it necessary to apply to her Majesty's Government for any pecuniary aid at present. It was, however, but a postponed demand. Considering the financial difficulties which had taken place in India during the last five years, the falling off which there would be in the revenue, and the great expenses which would be necessary in certain departments, sooner or later the Indian Government must come to the Imperial Exchequer for assistance. He was of opinion that we were rapidly drifting to an enormous deficiency. It must be borne in mind that a large portion of the Ways and Means of this year consisted of money borrowed for the Russian war which had not been needed. It had never yet been clearly stated how much of the money borrowed for the Russian war had actually been spent for that purpose. Considering that none of this money would appear in the Ways and Means of next year, and that the Chancellor of the Exchequer would also lose a considerable portion of the income-tax, a deficiency was inevitable.

MR. THORNELY understood the proposition now before the Committee to be to extend the present duties on tea and sugar, which otherwise would be reduced on the 1st of April next, to the year 1860. If that were so, he wished to know how much money the Chancellor of the Exchequer expected to gain by this Resolution.

MR. W. WILLIAMS did not see the necessity of this measure. It was not to take effect before next April, and it would have been quite early enough had it been proposed the first thing next Session. Two months' notice were quite sufficient for the trade. He objected to trusting the Exchequer with a balance, for he remembered that it was because he had a balance in the Exchequer that the right hon. Gentleman had consented to the payment of £1,100,000 for the redemption of the Sound dues.

MR. HADFIELD thought that all the blame of extravagant expenditure ought not to be cast on the Government. There were many cases for which the House was responsible, and he had on several occasions gone into the lobby with the Government against propositions to vote sums of money for particular puposes to which they were opposed.

Mr. DISRAELI: I am glad that we are not called upon to enter into the complicated question of Indian finance. It is not probable that we shall be favoured this year with an Indian budget, but it is extremely expedient that the House, prior to some appeals which may be made upon it, should endeavour to obtain a more accurate knowledge of our Indian finances. At the time of the passing of the charter it was agreed that a guarantee fund of £2,000,000 should be established, to accumulate at compound interest, to form a security for the Indian stock, for which the British Government then virtually became responsible. It is of the utmost importance that we should know the state of that fund. We ought to be informed whether that investment was regularly made, and whether the interest was invested in a proper manner, and we ought also to have the amount of the whole sum fairly before us. I moved about a week ago for a return of that nature, but it has not yet been presented, though I should have thought it was as simple and straightforward as it is important. I agree with the Chancellor of the Exchequer in the calculation which he has made of the comparative consumption of tea and sugar among the different classes. The murmurs of scepticism which proceeded from the hon. Baronet behind must have arisen from a misconception of what the Chancellor of the Exchequer said. The estimate which the right hon. Gentleman gave us is not by any means a fanciful one. It is founded on calculations made by a gentleman who has given great pains to the subject, and whose results have generally been acknowledged to be authentic. This calculation proceeded by way of an analysis of the population of the country and the amount of tea and sugar consumed per head, and it was shown by it that the majority of the consumers of tea and sugar must be ranked among what are called the superior classes. For instance, domestic servants figure in the population to the amount of £1,500,000. They are great consumers of tea and sugar, and as they for the most part consume the tea and sugar provided by their masters and mistresses, they were therefore very justly, for the purposes of this calculation, ranged among consumers of the higher and middle classes, and in that way it turned out that the majority of the consumers of tea and sugar belonged to the superior classes. That analysis has removed an impression which has long been prevalent in this country that the pressure of these indirect taxes is mainly borne by the working classes. I understood the hon. Baronet to object, also, to the system which he says at present prevails of furnishing Ways and Means from borrowed money. I think he must have misunderstood what fell from the right hon. Gentleman the Member for the University of Oxford on this point, for I cannot believe that the right hon. Gentleman expressed any opinion that the Ways and Means of the present year had been furnished in any way by borrowed money. No doubt there is a prospect of a considerable deficiency, for reasons which I had an opportunity of explaining at the commencement of last Session—namely, that you have this year received an amount of war income-tax of not less than £3,000,000, which you will not receive next year. As far as that is concerned you must be prepared for a vast deficiency; but borrowed money does not at all figure in our Ways and Means. When the hon. Baronet says that the Sound dues were paid out of borrowed money—[Sir H. Willoughby: I did not refer at all to the Sound dues.] Well, then, I should be glad if the hon. Baronet would point out what portion of the expenditure was defrayed by borrowed money, for the matter is one of considerable importance. There is no doubt whatever that the Sound dues were paid out of the balances in the Exchequer, and if there had been no balances the Chancellor of the Exchequer, as he told us, would have borrowed the money on terminable annuities. But the Sound dues do not appear in the Estimates; they are no part of the Committee of Supply, and no borrowed money, therefore, enters into our Ways and Means. As far as I can understand the state of our finances, we shall have a deficiency next year, for this simple reason—that we have been living this year upon a large amount of income-tax which we shall not have next year. The amount to be raised from tea and sugar is not an amount which will at all meet the danger at hand. Next year, when we meet, we shall have an opportunity of expressing our opinions upon this important subject, and for the present I shall content myself with saying that I offer no opposition to the Motion of the Chancellor of the Exchequer.

Sir HENRY WILLOUGHBY said, that at the beginning of the financial year there was a considerable surplus in the Exchequer of money borrowed for the Russian war. That entered into the balances, and he presumed must have supplied some part of the expenditure of the year.

The CHANCELLOR of the EXCHEQUER: I can quite confirm what was stated by the right hon. Gentleman opposite (Mr. Disraeli) with regard to the estimate of the comparative consumption of tea and sugar by the different classes of the community. That estimate was by no means drawn up upon imagination, nor upon any loose conjectures. It was derived from an accurate account taken all over the country. It is difficult to ascertain precisely the amount sold by private dealers to their customers, and therefore this calculation may not be precisely accurate; but I have every reason to believe that it makes so close an approximation to accuracy as to be sufficient for all general purposes of reasoning. With respect to the question of balances, it is undoubtedly true that last year, which was substantially a year of war expenditure, a portion of the revenue was raised by loans, and there was a balance at the end of the year beyond the expenditure of the year; but it was merely a general balance in the Exchequer, formed partly by taxation and partly by borrowed money. It is impossible to say how much was money borrowed on loan and how much was money raised by taxation. The duties upon tea and sugar now in force will, unless this Resolution be passed, fall in the course of next year. They were lowered in the course of last Session—the duty on tea from 1*s.* 9*d.* to 1*s.* 5*d.*, the rate at which it at present stands, and which I may observe is a lower rate than the duty on tea has ever before been fixed at. It is always difficult to make a calculation of the probable produce of a tax in future years, but in answer to the hon. Member for Wolverhampton (Mr. Thornely) I may say that if these Resolutions be not passed we must contemplate a loss of £3,000,000 of revenue.

Mr. THORNELY: Is the Committee to understand that these Resolutions will, if carried, have the effect of imposing £3,000,000 of additional taxation on the people?

The CHANCELLOR of the EXCHEQUER: The proposed Resolutions make no addition to the taxation as it stands in the present year. They only arrest a reduction which would otherwise take place according to law.

Sir HENRY WILLOUGHBY: Can the right hon. Baronet state how much of the money was borrowed for the Russian war, and how much of that money was spent on the war?

The CHANCELLOR of the EXCHEQUER: What the hon. Baronet asks is impossible. The loan was not contracted for a specific purpose, but for the general purposes of the year. There is a return of the total amount of the loans contracted during the Russian war and of the money spent on that war. Nearer than that I cannot go.

Sir HENRY WILLOUGHBY: How much of the last loan was spent?

The CHANCELLOR of the EXCHEQUER: There was a sum of £4,000,000 of Exchequer bills for which borrowing powers were granted by Parliament, but they were never used. Those powers were limited to the 1st of April last, when they expired, without the Exchequer being any the richer for them.

Resolutions *agreed to.* House resumed.

Resolutions to be reported *To-morrow* at Twelve o'clock. Committee to sit again on *Friday.*

PROBATE AND LETTERS OF ADMINISTRATION BILL.—THIRD READING.

Order for Third Reading read.

Mr. MALINS thanked the Government for the fair and candid spirit in which they had met the various suggestions which had been offered with regard to it, and especially the proposition which he had made for compensating a small portion of the persons whose interests would be affected by it. At the same time he regretted that neither the proctors' clerks nor the four advocates of the court at York were to receive compensation, and expressed a hope that the Government would, in making appointments under the Bill, give the preference to persons whose employments had been destroyed by its provisions. As it was, the compensations to be paid under the Bill would amount to not less than £100,000 a year, and he had some doubts whether the country would receive any value for that expenditure. He ardently hoped, however, that experience would prove that these doubts were entirely unfounded.

Bill read 3°, and *passed*, with Amendments.

JOINT-STOCK COMPANIES ACT AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

MR. WILSON moved Amendments in its single clause, to limit its operation to a revival of the Act of 8 *Vict.* c. 110, passed in the year 1844, with regard to insurance companies now established or hereafter to be established. This Act was by an error repealed by the Act of last year, and hence the necessity for the present Bill.

Amendments *agreed to.*

Clause *agreed to.* House resumed. Bill *reported;* as Amended, to be considered *To-morrow* at Twelve o'clock.

House adjourned at Five o'clock.

HOUSE OF LORDS.

Thursday, August 13, 1857.

MINUTES.] 3ª Municipal Corporations.

THE BENGAL ENGINEERS.

EXPLANATION.

THE EARL OF ELLENBOROUGH said, that it would be in their Lordships' recollection that, about a month ago, a noble and gallant Lord not now present, (Lord Melville) made some statement with respect to the discipline of the Bengal army, and in the course of that statement he mentioned that an officer had made a complaint to him, which complaint in the first instance had been made by a non-commissioned officer of the 3rd Bombay Native Infantry, that notwithstanding orders had been given to prevent officers from passing, three engineer officers of the Bengal army had forced their way through a gate after the capture of Moultan. When questioned as to something which they had under a tarpaulin, they replied that it was engineering stores; but that on the removal of the tarpaulin, it was discoverd that it was, in fact, plunder. This statement struck him as very extraordinary at the time; and only two days ago he received a letter from Major Harvey Maxwell, of the Bengal Engineers, who was brigadier major of the Engineers at the siege of Moultan, requesting him (the Earl of Ellenborough), on the part of himself and his brother officers, of whom twenty-three were present at the siege, to state that the matter was inquired into by the late General Whish, and on inquiry it was found that the officers in question were not guilty of the charge imputed to them. Why that communication was not made to Lord Melville he (Major Maxwell) did not know, but he had written to India, and in the meantime he begged him (the Earl of Ellenborough), with great reason, to ask their Lordships to suspend any opinion that they might form on the question, as regards the Bengal Engineers, until the particulars of the investigation were sent from India. It so happened, however, that General Whish had been dead several years, and, therefore, he was afraid that there might be some difficulty in obtaining the information that had been written for. All that he could say was, that the officers of the Bengal Engineers were well known as selected officers who had been taken into that corps after passing a competitive examination, that they had entrusted to them matters of great responsibility with respect to the whole of the public works constructed in Bengal, and he had never before heard of a single instance in which the smallest charge had been made against the integrity of any of the officers in that corps.

BURIAL ACTS AMENDMENT BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee read.

Moved, That the House do now resolve itself into a Committee.

THE BISHOP OF ST. DAVID'S requested the indulgence which their Lordships were in the habit of extending to any Member of their Lordships' House whose character and conduct had been seriously called in question. Some charges had been recently made against him (in relation to the Swansea Burial Board), which compelled him to solicit a patient hearing for what he had to offer in his defence. Those charges had not been made in an obscure place, or by persons so insignificant that he might properly suffer them to pass by unnoticed, but had been brought in the House of Commons by an hon. Gentleman filling the important and responsible situation of one of Her Majesty's Under Secretaries of State (Mr. Massey). He was sure, therefore, that their Lordships would not attribute his anxiety to vindicate himself from these charges to any feeling of egotism, but rather to the respect which was due to their Lordships. It was with great reluctance that he occupied any portion of their Lordships' time, more especially at this period of the Session, and in the present state of public business, by any matter of a personal nature, but that reluctance would be still greater if this matter, though it did most nearly concern himself individually, did not likewise involve some questions of very considerable public interest, in which not only his right rev. Brethren of the episcopal bench, but the whole body of the clergy of the Church of England, were very deeply interested. Though he had not the advantage of speaking in the presence of a very full attendance of their Lordships, yet he was happy to see some noble Lords present most competent to form a judgment on such questions as he was about to refer to, and whose attention he respectfully invited to his statement. He did not complain of the severity of the remarks which appeared to have been made on his conduct, though the motives which might reasonably have been supposed to actuate his conduct, and the object he had in view, might perhaps have been allowed a little to temper that severity, or at all events to divert from him that storm of indignation which appeared to have been excited by misrepresentations of his conduct. There was one very simple answer to be given to the charge against him, and which, he believed, through the kindness of a right rev. Prelate sitting near him (the Bishop of London), had already been given. He could repeat what that right rev. Prelate said, and protest most solemnly that, if he had been guilty of any violation of the law—for the charge against him amounted to nothing less than that he had violated the law, and wilfully disobeyed its enactments— he had done so unconsciously and unwittingly, through ignorance or error, and he was quite sure their Lordships would be disposed to give him credit for the sincerity of that declaration. But on the present occasion he could not be content to accept such a measure of their Lordships' confidence, or to rest his case simply on the assertion of something only known to himself, and he trusted to be able to satisfy their Lordships that nothing had occurred throughout the whole of this transaction to warrant any such charge, but that all the facts of the case pointed directly to an opposite conclusion. He was quite willing to admit that, if the charge could be proved, hardly any terms of censure could be too strong or severe, for the offence of violating the law would be aggravated by the nature of the office, in virtue of which he then addressed their Lordships. But before he proceeded to a brief statement of facts, which would enable their Lordships to appreciate his present position, he was anxious to make one observation, which he begged their Lordships to bear in mind and bear along with them through the whole of his statement, namely, that from the peculiar nature of the case he not only had the right, but it was his bounden duty, to require the clearest and most conclusive evidence to satisfy his mind that he did not possess that discretionary power with which he believed the law did invest him, before he did the act which it was supposed he was required by the law to do. It was his bounden duty to satisfy himself that in so doing he should not be acting as a free agent, but simply in a ministerial capacity, and in obedience to the law, because the nature of the case was such that if he did possess discretionary power, he was bound to take care that he did not exert that power so as to inflict injury on any one, and more particularly on a person whose rights and interests it was especially incumbent on him to protect. That which he was called on to do would have affected the rights and interests of a person so connected with him, and it would have added to the labours of a person engaged in some of the most laborious duties attaching to any parish within his diocese, without adding to his very scanty remuneration. The income of the vicar of Swansea, independent of any occasional and fluctuating fees, only amounted to the sum of £98 a year, and that small pittance had to be collected from some 1,784 individuals, and therefore their Lordships might judge whether it would not be reasonable that some deductions should be made on that account from the nominal amount. He would proceed to call their Lordships' attention to a few facts in reference to the origin of this dispute, which, he would not say, had been studiously kept out of view, but which had been passed over in silence in all the discussions which had taken place in the House of Commons on the subject. He held in his hand a copy of the published correspondence which had taken place between the Swansea Burial Board and himself. It opened with a letter addressed to him by the Mayor of Swansea on behalf of the Burial Board, dated September 1, 1855—he begged their Lordships to mark the date—in which he stated that every possible exertion had been made to procure an eligible site for the new cemetery, that, through the peculiar local circumstances of the town, it had been found extremely difficult to select such a site, but that at length one had been met with which appeared to be the best that could be obtained. He added, however, that it was open to some objections, and, among others, that it would be necessary to take the funerals across bridges which, at certain states of the tide, would be open for the navigation of vessels, but that it was considered that arrangements might be made, under which no great inconvenience would be occasioned by that circumstance. Finally, the writer requested that he would inform the Board whether, under the circumstances, he would consent to consecrate a portion of the ground, asking him at the same time to favour them with his opinion upon certain points specified, and upon any other matters which might suggest themselves to him. The impression which he received from that letter certainly was that he had some voice in the question of the selection of a site; otherwise he did not know why at that stage of the business he had been consulted on the subject. He therefore communicated with the vicar; and in consequence of what he heard from him he wrote to the Burial Board upon the 12th of September, in which, among other things, he informed the Board that though he lamented the necessity for selecting a site so inconvenient he would consent to consecrate the ground on condition that some permanent arrangement should be made for the conveyance of the officiating clergyman to and from the cemetery. To that letter he received no answer whatever; no intimation, either public or private, was conveyed to him that the Board had any objection to his proposal for more than fourteen months; and it was not until the 20th of November, 1856, that he was informed by letter, and learnt for the first time, that the Board had any objection to that proposal. He called their Lordships' attention particularly to the dates, because a great outcry had been raised with respect to the inconvenience which the parishioners of Swansea had suffered from the delay, and he wished to point out that it was not exclusively upon himself that the blame should rest, on account of any inconvenience which might have been experienced. This was rendered more evident from the fact that in a letter of the 18th August, 1856, he reminded the Board that he was still left without an answer to his proposal respecting the conveyance of the officiating clergyman. It was not until the 20th November following that he received an answer. That letter informed him that it was the unanimous opinion of the committee that such conveyance could not be provided by the Burial Board. He was not sure from that communication whether the Board meant that they had not the power to do what he had asked, or that having the power they refused to exercise it. He pointed out this ambiguity, and on the 5th of December he received another letter which was intelligible enough. It stated that it was the unanimous opinion of the committee that the Burial Board had not the power under the Act of Parliament to provide conveyance for the officiating clergyman, and it went on to say—although one would have thought that that was explicit enough—that even if they had such power they ought not to exercise it. Now, as he had a very clear and distinct opinion as to what in equity and justice the Board ought to have done if they had the power, he confessed that that letter did not tend to inspire him with any great respect or confidence for their opinion on the point of law; for he did not know upon what authority their opinion rested, or whether it was of such a nature as would warrant him in taking a step which would be attended with so much hardship and injustice to one of his clergy. Things continued in that state until the month of March; but in the interval a little discussion took place in the House of Commons from which, owing either to an error in the Report or to some misapprehension of his own, he received an impression which confirmed him in his views with regard to the extent of his discretionary power. In March certain parishioners of Swansea, some of whom were Members of the Burial Board—acting, however, in their private capacity—had a case drawn up to be laid before counsel. It was material to observe, in estimating the value of the opinion which was thus obtained, that the case prepared was previously laid before the town clerk, the legal adviser of the Burial Board, and that it was approved by him. It was clear, therefore, that in the case full justice was done to their side of the subject. That opinion was the ground on which the whole question turned. Upon it he (the Bishop of St. David's) rested his case, and to it the hon. Gentleman who had called his conduct in question had also appealed. He thought, therefore, that it would bring the whole question to a very narrow point. The sum and substance of the opinion was that he had been partly wrong and partly right. That is to say, the object which he had in view was pronounced to be a very reasonable one; but it was also pointed out that he was quite mistaken with regard to the mode which he had proposed for effecting that object. Having stated that, the opinion proceeded to say that there was another perfectly easy and legal mode of accomplishing his object under the provisions of the Act of Parliament, and it advised the Town Council to adopt that course, and to make a compensation to the incumbent by the payment of a fixed sum in lieu of his burial fees, which would answer the same purpose. It had been argued from that opinion that after it had been communicated to him he had but one course open to him, which was to withdraw his proposal and immediately consecrate the ground. He conceived, however, that there was another and very important question raised by that opinion, which seemed not at all to have occurred to the mind of the hon. Gentleman who thought that he was bound to take that course of proceeding. He did not mean, of course, to say that he had any right to insist upon anything that was contrary to the law, or upon anything even which, though permitted by the law, was merely an arbitrary matter or private fancy of his own; but it appeared to him to be a very different question whether his discretion did not go the length of requiring that which was not only permitted by the law, but which the law itself required—that which was declared by that opinion not only to be within the spirit and intention of the law, but to be the very object which the law had in view. The opinion declared—

> "The object of the law evidently is, that the fees to the incumbent upon burials in the cemetery should be fixed with reference to the circumstances of the case, and, where the establishment of the cemetery imposed on the incumbent the trouble or expense of a long journey for the performance of the duties, it would be only reasonable that the fees payable to him upon interments should be increased."

It was a little hard, after such an opinion as this, showing that he had been acting in perfect accordance with the spirit and intention of the law, and had been endeavouring to carry out the object of the law itself, that he should be charged with violating that law, and this, too, because he did not anticipate the hon. Gentleman's own exposition of it. This was the very first time he had seen or heard of the question being anywhere mooted, and when the opinion to which he referred was expressed in the House of Commons it appeared in the very same report, that the law laid down by the hon. Gentleman was considered so doubtful by those who heard it, that one hon. Member, who could not be supposed to be actuated by any violent prejudice in favour of bishops, because he happened to be a Dissenter, stated that he thought the Under Secretary of State was mistaken, and that the Act to which he referred would not bear such a construction. Was this, then, a case in which he (the Bishop of St. David's) was bound implicitly to act upon such an opinion in a manner which would involve consequences so important? The hon. Gentleman appeared to have stated to the House of Commons that when he (the Bishop of St. David's) had been informed on the authority of this able counsel that what he required was illegal and impracticable he had merely shifted his ground, substituting another proposition, and requiring the Swansea Burial Board to consent to that. Now he had done no such thing. He took no further step whatever in the business, nor was it possible for him to think of doing so in the existing state of things. What happened? This opinion, dated March 19, was communicated to him for the first time on the 4th of April by some of the gentlemen who had procured it, and who came over to his house to confer with him upon the subject. He informed them that he was quite sure no terms would be required by the vicar but such as were moderate and reasonable, and that they might be sure of his assent to whatever terms would suit the vicar. They, on their part, promised to lose no time in coming to an arrangement with that gentleman, and in then bringing it before the Burial Board for approval. Under these circumstances, what could he possibly do but wait for their decision? His full belief at the time was that the whole dispute was virtually at an end, and this was the feeling which prevailed in Swansea on the subject. The arrangement come to was referred to a special committee of the Burial Board appointed for the purpose, and that committee made a report recommending the adoption of the proposal to which the vicar had given his consent. In the negotiation which took place the vicar receded from his first proposal by giving up £20 of the amount he originally claimed as a reasonable compensation, and offering to accept £100. Accordingly that was the sum which the committee recommended the Burial Board to give. He was exceedingly surprised to find that so long a delay had taken place before the decision of the board was arrived at. After the satisfactory report of the committee he certainly did think that the dispute was in a fair way to an amicable settlement. And how was it that that very natural expectation was disappointed, and that up to the present moment no decision had been come to by the Burial Board on this question? He was afraid that the explanation of that fact was only too easy. In the report of the discussion which took place in the House of Commons he found the Under Secretary said it appeared to him that this negotiation, as he called it, would not be completed. Such a statement seemed not only ominous but prophetic. Their Lordships knew that there were prophecies which led to, and perhaps, insured their own fulfilment, and he believed that the hon. Gentleman very well knew what he was saying, and could not have been wholly unconscious that he was verifying his prediction at the moment he uttered it. It was only that morning that he (the Bishop of St. David's) received a letter from Swansea, ending with this sentence, "If it,"—namely, the recommendation of the committee to the Burial Board—"should be rejected, the rejection will be caused solely by what passed in the House of Commons." This, he believed, was perfectly true. If this most reasonable proposal, grounded on the opinion of eminent counsel, and recommended to the Burial Board by its own committee, should be finally rejected, he believed that the signal triumph which would thereby be gained over reason, equity, justice, and possibly law (for the spirit was as precious as the letter of the law), would be due, if not exclusively, at all events mainly to the Under Secretary of State. He did not envy the hon. Gentleman the honour and glory of that triumph, but he certainly wished to do everything in his power to prevent him from achieving it. In this instance there were persons who would probably not be very sorry, if the law were decided to be against him, to find him entertaining conscientious scruples as to complying with it. He was anxious to have it understood by their Lordships that nothing could be more foreign than such an idea from all his opinions and principles. When he had once ascertained that he was to act in this matter, if he acted at all, not upon his own responsibility, but upon that of the law, and in a purely ministerial capacity, he could no more hesitate, on any conscientious grounds, instantly to obey the law, than if being a trustee, he were directed by an Act of Parliament to execute a certain conveyance. He might have his own opinion on the subject, but he should never dream of setting up that opinion in opposition to the law. Some persons imagined that, when a bishop consecrated a burial-ground, he practised a sort of magical charm or incantation, by which he communicated some occult quality to the ground. Why, this consecration consisted in nothing more than a stroke of the bishop's pen, the effect of which was to authorize interment in a piece of ground according to the rites of the Church of England. It was true that the act was generally accompanied by a religious ceremony, but that ceremony formed no part of the consecration, in a legal point of view. The law did not impose upon the bishop the necessity of performing it. There was nothing to prevent him, if he thought fit—and he was not sure that it had not actually been done, though he (the Bishop of St. David's) should be sorry to omit the religious ceremony—from going to the ground in plain dress, with his riding-whip in his hand, and signing that necessary document. As soon as he signed it the ground was legally consecrated, and that was the meaning of consecration. It had been said that great inconvenience and expense had been occasioned to the parishioners of Swansea, by the course which he (the Bishop of St. David's) had taken, and that, in such a case, a private right ought to have been sacrificed to the public good. Now, it was a great happiness to him to know that, in this instance, there had been no sacrifice of public convenience to any private right. The fact was, that the burial-ground of the new church of St. Peter's was open, and was only the same distance from the centre of the town as the cemetery, without any drawbridges intervening; so that any person in the parish who desired to inter in the consecrated ground might easily do so, and that fact was so notorious that it ought to have been known to the person who alleged most seriously that great inconvenience and expense had been inflicted by his misconduct in this business, on a district of 40,000 persons. The hon. Gentleman had said that this was not the only case of the kind, but that it was an extreme case. If this was so, and if their Lordships took the same view of the matter as he (the Bishop of St. David's) did, they would be of opinion that, in those other cases with which his right rev. Brethren had to deal, perfect moderation, reasonableness, and propriety, must have characterized the conduct of his right rev. Brethren. It was said that his case was so extreme, that it was necessary to insert a clause in the Bill which their Lordships were about to consider, to meet it. That clause, in his opinion, involved a most serious innovation on ecclesiastical law, and must certainly tend to sow the seeds of discord and dissension between the bishops and their clergy. He thought that it ought to be a stronger case than that which had been laid before their Lordships which would justify such an innovation. He could assure their Lordships that this affair had been to himself a source of great annoyance. It had caused much loss of time, much trouble, much obloquy, and had imperilled even private friendships which he valued; but he thought that all these things were unavoidable incidents of his official position, which he was bound to accept, when the question was, whether he should protect or abandon the rights of one of his clergy. Whatever might be the final issue of the matter, it would be a consolation to him to reflect that, however he might have mistaken the letter of the law, he had reason, equity, and justice on his side.

EARL GRANVILLE said, he had no wish whatever to make any charge against the right rev. Prelate, who had, not only in his speech of that evening, but also in the letter which he had written to a newspaper on this subject, displayed much warmth with reference to the accusations that had been made against him. He had no wish whatever to interfere with respect to the statement just made by the right rev. Prelate, but as the right rev. Prelate had complained with some vehemence of the conduct of a colleague of his in another place, he would observe that the right rev. Prelate appeared to have misunderstood what had been alleged against him. As far as he (Earl Granville) understood the case, the question was not whether the right rev. Prelate had taken a right or a wrong view of the law so far as the compensation of incumbents was concerned, but whether, having made a proposal which the law did not permit to be accepted, the right rev. Prelate was justified in refusing to consecrate the ground. Although the whole charge rested upon that point, the right rev. Prelate had not adverted to it. The right rev. Prelate had said, that, although he might not have acted according to the letter of the law, he had acted according to the justice and equity of the case; but that was a difficult part of the case, and one on which conflicting opinions might be held.

The Bishop of St. David's

THE BISHOP OF ST. DAVID'S was understood to say in explanation, that he was under the impression that the Burial Board had accepted his proposal, and that this had caused the delay. He could pledge himself to the fact that since that time he had received no communication whatever from the Burial Board, and that consequently he could not have refused to consecrate the cemetery.

EARL GRANVILLE was understood to say that the explanation of the right rev. Prelate somewhat altered the aspect of the case; and if it were as the right rev. Prelate had stated, he was sure his hon. Friend the Under Secretary would gladly acknowledge the mistake into which he had fallen.

LORD CAMPBELL said, he had no doubt whatever that the right rev. Prelate had acted most conscientiously in this matter, but whether he had acted according to law it would be improper for him now to give any opinion. That very question might come before the court in which he had the honour to preside, and it would only be when it came regularly before him, and he had heard both sides, that he could give any opinion upon it.

LORD WENSLEYDALE said, that not being in the position of the Lord Chief Justice of the Queen's Bench, felt himself at liberty to state his opinion on the point of law. He was sure that the right rev. Prelate had been actuated by the purest motives in what he had done, but there was no provision by statute for securing compensation to the clergy in a case like this; and he therefore could not help thinking that the right rev. Prelate had taken a wrong view of the legal bearing of the question.

Motion *agreed to :* House in Committee accordingly.

Clauses 1 to 5 were *agreed to.*

On Clause 6, relating to pauper burial-grounds,

The Bishop of OXFORD objected to the institution of these pauper burial-grounds. It was easy to imagine what they would be—they would be totally neglected. He thought it quite enough that the distinction between this unfortunate class and the rest of the community should be prolonged during their lifetime, and he felt the strongest repugnance to the perpetuation in death of this enduring badge of separation. There was too great a tendency to depress to the lowest possible standard all that concerned the administration of religious rites to their poorer Christian brethren. The poor man ought to be buried where his more fortunate friends and kindred were interred, and the misery of his pauper state ought not to cling to him in his cerecloth. He would move to omit the clause.

Earl GRANVILLE defended the clause, pointing out to the right rev. Prelate that it contained a proviso distinctly declaring that the guardians should not be authorized to bury in these grounds "the body of any poor person who, or whose husband, wife, or next of kin, shall have expressly desired burial to take place elsewhere."

Viscount DUNGANNON opposed the clause, as he considered it would outrage the feelings of the poor. It was casting an uncalled-for stigma on the poor, and following them, as it were, beyond the grave. If the right rev. Prelate would take the sense of the Committee on the subject, he would vote with him in favour of expunging the clause.

Earl GRANVILLE said, he would consider the clause before bringing up the Report, and see whether it could not be modified in the sense expressed by so many of their Lordships.

The Bishop of OXFORD said, he could not acquiesce in the proposal, which in the present state of the Session would be equivalent to leaving this matter in the hands of the Government. He saw no reason why the Bill should have been delayed until this late period of the Session. Some of his right rev. Brethren had come up to town to-day at great inconvenience in order to be present at the discussion of this Bill, and it was by no means certain that their duties would permit them to be present when the Report was brought up. There was, indeed, nothing to inquire about, for their Lordships knew what would be the effect of the creation of this new kind of burial-ground.

Earl GRANVILLE could assure the right rev. Prelate that it was not the fault of the Government that Bills did not come up earlier from the other House. The right rev. Prelate's opinion of the operation of the clause differed from that of noble Lords around him, and he denied that their Lordships ought to take all their opinions from the right rev. Prelate.

On Question, That the said clause stand part of the Bill? the Committee *divided :*—Content 22 ; Not-Content 18 : Majority 4.

Clause *agreed to.*

CONTENTS.

Cranworth, L. (*L. Chancellor.*)
Somerset, D.
Chichester, E.
Clarendon, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Portsmouth, E.
Sydney, V. [*Teller.*]
Brodrick, L. (*V. Midleton.*)
Byron, L.
Calthorpe, L.
Campbell, L.
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Hunsdon, L. (*V. Falkland.*)
Monteagle of Brandon, L.
Rossie, L. (*L. Kinnaird.*)
Saye and Sele, L.
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)

NOT-CONTENTS.

Canterbury Archbp.
Ellenborough, E.
Harrington, E.
Nelson, E. [*Teller.*]
Romney, E.
Dungannon, V. [*Teller.*]
Hardinge, V.
London, Bp.
Oxford, Bp.
Ripon, Bp.
Rochester, Bp.
St. David's, Bp.
Clements, L. (*E. Leitrim.*)
Colville of Culross, L.
Raglan, L.
Redesdale, L.
Wynford, L.

The Earl of ELLENBOROUGH hoped that the result of the division would not prevent the noble Earl (Earl Granville) from making inquiry, and seeing whether the clause could not be amended on the Report.

Clauses 7 to 10 *agreed to.*

Clause 11,

Earl FORTESCUE said, he could not allow the clause to pass without protesting against the provision which allowed the interment of four bodies in one common grave on the same day. He moved to substitute the word "two" for "four."

EARL GRANVILLE said, that on the faith of an Act of Parliament passed five years ago the cemetery companies had made contracts which could not be carried out if the Amendment were agreed to.

THE MARQUESS OF CLANRICARDE suggested that the object which his noble Friend who had moved the Amendment had in view would be more effectually carried out by the omission of the proviso at the end of the clause.

Proviso struck out; clause, as amended, *agreed to.*

Clause 12,

THE BISHOP OF ROCHESTER moved the insertion of a proviso, the effect of which would be to define more clearly the limits of consecrated and unconsecrated grounds.

Amendment *negatived;* clause *agreed to.*

Clause 13,

THE BISHOP OF OXFORD said, that this clause provided that in cases of dispute reference should be made to the Archbishop to decide; but though it contained a provision in case the Archbishop decided against the Bishop, it contained none in case he decided against the Board. He proposed an Amendment, therefore, to remedy the defect.

Amendment *agreed to;* clause, as amended, *agreed to.*

Clause 14,

THE ARCHBISHOP OF CANTERBURY opposed the clause. The objections urged by the most rev. Primate were quite inaudible, but were understood to be that the clause was opposed to the ordinary discipline of the Church.

EARL FORTESCUE supported the clause, which he believed would afford an immediate remedy for a pressing evil. At Torrington, in the county in which he resided, a cemetery had for twelve months past been prepared for interment in conformity with the regulations of the Secretary of State, and was in every respect fitted for consecration, but the Bishop refused to consecrate the ground. Unfortunately, the people who resided in the neighbourhood of places where lay burials took place were becoming more and more indifferent to the consecration of the ground, and even to the performance of the burial service by a priest. He thought it very undesirable to encourage a disposition to dispense with one of the most solemn and impressive services of the Church, and he hoped, therefore, that the Committee would retain the clause.

THE BISHOP OF LONDON said, he had understood that the 13th clause had been substituted in the other House for the 14th, and he was therefore very much surprised to find the 14th clause retained in the Bill on the Table. A strong feeling on this subject might exist in the neighbourhood in which the noble Earl resided, but he did not think that was a sufficient reason to give this triple chain of appeal from the Bishop to the Archbishop, and ultimately to the Secretary of State.

EARL GRANVILLE gave an explanation of the clause, which, however, was inaudible.

LORD WENSLEYDALE supported the clause generally.

VISCOUNT DUNGANNON protested against the clause, which he thought most repugnant to the principle of ecclesiastical discipline, and as subversive of the doctrine of the Church of England.

THE EARL OF PORTSMOUTH hoped the House would not agree to expunge the clause. It would get rid of those terrible scenes which only too frequently occurred.

THE BISHOP OF OXFORD said, it was impossible, at that present period of the Session, in a thin House, to do anything except with the consent of the Government. The Government had, in fact, absolute power to settle the case as they chose. It was, therefore, exceedingly desirable that it should go forth to the clergy and the laity of the Church of England, through the ordinary channels, that the clause was not a settlement of the question by the House of Lords, but a refusal on the part of Her Majesty's Government to listen to reason on the question, and a determination to settle it as they liked. During the course of the Session there had been reason to complain that the conscientious scruples of the clergy had been ridiculed and set at nought in that place, and now there seemed a settled determination on the part of Her Majesty's Government to overrule the fundamental principles of the Church by the power they possessed in that House from the state of the Session, and not to listen to what had fallen from one who was always considered entitled to the highest weight, the most rev. the Metropolitan, who had described the clause as being at variance with the fundamental principles of the Established Church. It became the Government to show a strong case in favour of the clause after such a statement. Her Majesty's Government, however, would hear no argument, and pay no attention to anything: but by the mere force of their power as a Government were determined to carry it. It was, therefore, exceedingly desirable that it should be known out of doors, and that the body of the clergy of the Church of England and the laity of that Church should know, how the question was treated. The history of the clause was this. The evil had been admitted, and the clause was proposed as a remedy; but it had been shown that the remedy was contrary to the discipline of the Church, and it was admitted that it could not be carried out. Nevertheless, it was retained in the Bill; and it was proposed to give the Secretary of State for the Home Department a right of overruling, in an ecclesiastical matter, the decision of an Archbishop or Bishop, made under the provisions of an Act of Parliament. There was no parallel to it in ecclesiastical history. The Secretary of State had the power to direct the curate of an incumbency to do that which the Archbishop or Bishop might direct should not be done; namely, to perform a burial service in unconsecrated ground pending the appeal to the Archbishop. It would be impossible to keep up canonical discipline and obedience of the Church if such a clause were suffered to exist; and he felt confident that the House would not sanction it. He (the Bishop of Oxford) wished to see some plan adopted which would set these unfortunate quarrels at rest; but this clause violated every Church principle, and he hoped it would not be adopted.

THE DUKE OF SOMERSET supported the clause. He considered that, taken in connection with the other clauses of the Bill, it would have no such effect as that attributed to it by the right rev. Prelate.

LORD CAMPBELL said, he thought the clause objectionable, as enabling an incumbent to act in direct opposition to the decision of his Bishop. At the same time he suggested that it should not be withdrawn, but that it should be modified so as to provide that pending the appeal it should be lawful for the incumbent to bury before consecration. It was most essential that such a power should exist, because they had heard of most lamentable consequences resulting—in the West of England especially—from there being no such power. They had been told by the highest authority that consecration did not impart any mysterious virtue to the earth in which the ashes of the dead reposed. Now certainly the present system was calculated to bring consecration into disrepute, and this clause merely enabled that to be done lawfully which ought to be done, but which at present would only be done unlawfully. When disputes arose upon these subjects they often took years to settle, and hence the necessity of some such Amendment as he had suggested, which would enable burials to take place before consecration, pending the suit. There was one case of this nature which had been pending in his court for two years; they now asked for a special verdict, the case would be taken to the Exchequer Chamber, thence to the House of Lords, and, for aught he could see, might not be terminated for seven long years to come. In the meantime it would be very hard, when such lengthened litigation occurred, that the inhabitants should be prevented from burying their dead in the cemetery which had been provided for the purpose, and which the Secretary of State had certified to be in a fit state for consecration.

LORD WENSLEYDALE suggested, that it should be only made lawful for the incumbent or other clergymen to bury in this unconsecrated ground "prior to the decision of the Bishop or Archbishop on the application for the consecration thereof;" and *moved* the insertion of these words in the clause.

EARL GRANVILLE said, he was willing to accept this Amendment. With regard to what had fallen from the right rev. Prelate (the Bishop of Oxford), he could not forget that that right rev. Prelate, when it suited his purpose, did not always think it inconvenient, in a very thin House, even to attempt to reverse the decisions of a very full House. The facts, however, in the present instance were by no means such as to justify the statements he had made, for there was now a larger attendance of Peers than sometimes could be found even upon the discussion of more important Bills; and of these, too, not more than seven were connected with the Government. He objected, also, to the singularly invidious tone in which the right rev. Prelate had attempted to set the whole clergy of the Church of England against Her Majesty's Government. He (Earl Granville) did not, however, mean to argue the case against the right rev. Prelate, because, setting the laity on one side, he was not certain whether the great majority even of the clergy would not accept the decision of the Government in preference to any *dictum*, however arbitrarily laid down, by the right rev. Prelate.

The Bishop of OXFORD said, that he had addressed himself to the Government, feeling that the subject was absolutely in their decision, and that, owing to the thin attendance, it was not in his power to appeal to the House of Lords. This opinion he still retained. He had tried to impress upon the Government the additional responsibility which such a state of things imposed upon them, and he was glad that the Government would not force the clause upon the House, but had agreed to accept the Amendment of the noble and learned Lord.

The Bishop of LONDON could not clearly understand the clause. When it spoke of the incumbent of such burial-ground did it mean the incumbent of the parish for which the grave-yard was provided, or the incumbent appointed by the Burial Board of the parish? It was taken for granted that no obstacle to consecration proceeded on the part of burial boards; but he knew that many of those boards (some of whose members entertained conscientious convictions on the subject) were anxious that consecration should gradually drop. In the case of the Ilford Cemetery the Burial Board did not want it consecrated, and delayed the application, though he (the Bishop of London) was ready to consecrate it, and what was to be the result in such a case supposing the board did not appeal to the Archbishop? He adhered to the opinion he had before expressed on the subject, which was that the best thing to be done was to bury this clause.

Moved, To omit "No."

Earl GRANVILLE said, he had no objection to introduce words to make that part of the clause clear, by designating the clergyman appointed by the Burial Board.

Lord WENSLEYDALE suggested, that it should be made compulsory on burial boards to apply for consecration. He would move an Amendment to that effect on the bringing up of the Report.

The LORD CHANCELLOR agreed with his noble and learned Friend that it should be made obligatory, as the appeal for consecration might be pending for two or three years.

The Bishop of OXFORD said, he should wish to see the clause amended in the way suggested by the noble and learned Lord (Lord Wensleydale) for this reason, that the ground did not possess the legal character of being the perpetual resting place of the dead until it had been consecrated, and because without consecration there was nothing to prevent the ground being ploughed up.

Amendment *agreed to*. Clause, as Amended, *agreed to*.

Clause 18,

The Bishop of LONDON moved an Amendment to the effect that the fees to be charged by the Burial Board in respect of services performed in unconsecrated ground provided by that Board should be identical in amount with the fees charged for the like services in consecrated ground.

On Question.

Earl GRANVILLE opposed the Amendment on the ground that it would be unfair towards Dissenters.

The Bishop of OXFORD supported the Amendment.

On Question, That "No" stand part of the Bill? the Committee *divided*:—Contents 12; Non-contents 14: Majority 2.

Clause *agreed to*.

Remaining clauses *agreed to*.

CONTENTS.

Cranworth, L. (*L. Chancellor.*)
Clarendon, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Portsmouth, E.
Byron, L. [*Teller.*]
Foley, L. [*Teller.*]

Granard, L. (*E. Granard.*)
Monteagle of Brandon, L.
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Wycombe, L. (*E. Shelburne.*)

NOT-CONTENTS.

Canterbury, Abp.
Nelson, E. [*Teller.*]
Romney, E.
Dungannon, V. [*Teller.*]
London, Bp.

Oxford, Bp.
Ripon, Bp.
Rochester, Bp.
St. David's, Bp.
Calthorpe, L.
Redesdale, L.
Wensleydale, L.

THE DANUBIAN PROVINCES OF TURKEY.

QUESTION.

The Marquess of CLANRICARDE rose pursuant to notice to ask whether Her Majesty's Government will lay upon the Table of the House, before the rising of Parliament, any Papers to show the steps that might have been taken in pursuance of the Promises and Views of the great European Powers, recorded in the Protocol No. 9 of the Conferences of Paris in 1856, and relating to the Danubian Provinces of Turkey; and calculated to explain the course adopted in these matters by Her Majesty's Government. The noble Marquess said that, at that time of the evening he would not trouble the House by making a long speech, but would content himself with putting his question. There was the less reason why he should detain their Lordships, because since he had put his notice on the Minutes a similar question had been asked in the other House, the answer to which was extremely satisfactory, inasmuch as it gave the assurance that, however disagreeable and threatening some of the differences which had arisen at Constantinople with regard to the settlement of the affairs of the Danubian Principalities, in pursuance of the treaty of Paris last year, there was no danger that these differences would change or affect the character of our alliance with France, which was a matter of much more importance to us than any details of the settlement of affairs in the Principalities. But, although, matters had thus changed since he had placed the notice on the paper, still he thought it would be well that, before the rising of Parliament, such official documents should be laid on the table as would show the part taken by Her Majesty's Ambassador at Constantinople and by Her Majesty's Government in the recent transactions. It was matter of notoriety that very great delay had taken place in carrying into effect the provisions of the treaty of Paris, as regarded the affairs of the Principalities. It was said, he knew not with what truth, that the interference of the Turkish functionary, the Kaimaikan, in the elections of Moldavia, had been of such a character as to render those elections absurd and futile as a fair representation of the people. It appeared that the representatives of four Powers at Constantinople had thought it necessary in consequence to discontinue diplomatic relations with the Porte. This was a grave matter for this country, since England was a party to the Treaty of Paris, and the foundation upon which that treaty was based was that there should be a fair and free expression of opinion by the representatives of the people of the Danubian provinces. The question, it was well known, was whether in the knew Government there should be a union or separation of Moldavia and Wallachia. Into that question he would not now enter—it was not the right time to discuss it. In the last Session of the last Parliament a noble and learned Lord (Lord Lyndhurst) made a speech on the subject of these provinces, to which his noble Friend (the Earl of Clarendon) declined at that moment to make any reply. He hoped that before Her Majesty's Government pronounced any opinion on the union of the Provinces—whatever that opinion might be—they would wait until the real opinion of the people of the country could be ascertained. A great deal was said about Russian influence and Russian intrigue; but call it by what name they pleased, this he had always observed, that when Russia entertained designs on any country, she invariably took care to be as much as possible on the side of the people. Now it especially behoved the Government of this country to pursue that course, and to respect the feelings of the people of any country in whose concerns they were called upon to take part. He hoped that Her Majesty's Government would refrain from making any declaration upon the question whether there should be union or separation of the two Provinces until there had been a fair and free expression of opinion by the inhabitants; for it was with that object that they had appointed Commissioners, and he did not know what those Commissioners could have been about, if it were not to use their influence to obtain that fair and free expression of opinion. He hoped that Her Majesty's Government would give Parliament all the information in their power. The honour and credit of the country were pledged in this matter, and Parliament was anxious to know how far the course taken by the Government was in unison with the opinions of the people of this country. The noble Marquess concluded by putting his question.

THE EARL OF CLARENDON: My Lords, it is perfectly true, as my noble Friend has stated, that very great delay has taken place in coming to any definite conclusion with respect to the Principalities. But my noble Friend must bear in mind that one of the principal causes of that delay was the difficulty which arose in the settlement of the Bessarabian frontier, and the determination which was properly come to, that until the Austrians troops ceased their occupation of the Provinces, which they had retained in consequence of the Bessarabian frontier not being settled, no proceedings should take place in regard to the elections,—the supposition being that they could not fairly be conducted in the presence of a foreign army. That difficulty was arranged at the beginning of this year; but, on account of the season, neither the Austrian troops could evacuate the Provinces, nor could the Commissioners proceed to their post until rather late in the spring; and I believe that they did not begin business before the month of May. Your Lordships are aware that, before the Commissioners left Constantinople, a firman was settled there—in the first place conferring the elective franchise, and next regulating the mode in which the elections should be conducted and the divans convoked. This was done by the Ministers of the Porte in conjunction with the representatives of the four Powers who were parties to the Treaty of Paris. My Lords, this firman appears to have been differently interpreted in the two Provinces, nor was it looked at precisely in the same light by the Commissioners. It was differently interpreted by the Kaimaikan and by the different parties into which the Principalities were unfortunately divided. Moreover, it appears that the firman, which was applicable to Wallachia, was not strictly applicable to Moldavia, on account of the different laws of that Principality. These events led to great delay, to long discussions, and to repeated references to Constantinople, where unhappily there was not much greater unanimity than in the Principalities. My Lords, with reference to the part which Her Majesty's Government have taken in this matter, I need only say that I think my noble Friend will find, when the protocols are laid upon your Lordships' table, that the conduct of Sir Henry Bulwer, Her Majesty's Commissioner at Bucharest, has been characterized by the utmost moderation, and that the advice which he has deemed it to be his duty to afford his colleagues has been strictly confined within the limits of the instructions which were issued to the Commission by the Congress of Paris. My Lords, I do not think that we should be justified in laying upon the table of the House at the present moment any of the protocols of those meetings in which six different Powers were concerned, inasmuch as they have been as yet only confidentially communicated to Her Majesty's Government, and cannot therefore be regarded as sufficiently our property to be submitted to your Lordships. Various documents have been laid before the Commission, printed copies of some of which have been transmitted to us; but we can in no way undertake to answer for their correctness, inasmuch as that is a point in dispute between the different parties themselves. The main point of difference between the members of the Commission has been the interpretation to be put upon the firman as applied to Moldavia. That point was referred for consideration to Constantinople, where, by the unanimous decision of the representatives of the several Powers there and the Minister of the Porte, it was determined that the same construction should be put upon the firman in Moldavia as was the case in Wallachia, with the exception of certain distinctions which would be rendered necessary by the difference prevailing between certain laws of the two Principalities. Whether there was a timely communication of this decision to the Kaimaikan upon the part of the President of the Commission, who was also the Turkish Commissioner, or whether he misunderstood or neglected it, I cannot undertake to say, because charges and counter-charges have been made with respect to the matter. The fact, at all events, is, that the Kaimaikan proceeded to complete the elections in accordance with an electoral list which he himself had prepared. The representatives of France, Russia, Prussia, and Sardinia, however, acting upon instructions which they had received from their several Governments, protested against a divan so constituted, which they declared could not be looked upon as a faithful reflex of the opinions of the people. The consequence was, that the representatives of those four Powers at Constantinople demanded that the elections should be annulled, and that fresh elections should take place. The Porte, however, was of opinion that it would not be consistent with the independence of the Sultan to yield to that demand, inasmuch as it had reference to the faithful execution of the provisions of the Treaty of Paris, with regard to the carrying into effect of which it was deemed by the Porte that any request which might be made should emanate from all the Powers which were concerned in the treaty, and not from four only of the Powers. A misunderstanding followed, which was not removed by those telegraphic despatches upon which different interpretations were put; and we received the intelligence of the interruption of diplomatic relations between the four Powers which I have mentioned and the Porte just at the moment when the Emperor of the French, accompanied by his Minister for Foreign affairs, arrived at

The Earl of Clarendon

Osborne. An opportunity was thus afforded to us of reviewing a state of things which had suddenly assumed a very complicated aspect, and which might have led to events of a magnitude altogether disproportioned to the cause to which they owed their origin. Having considered that state of things, we came to the conclusion that, although there had been no scrutiny at the elections in Moldavia, and although no evidence had been obtained which in England would have been deemed sufficiently strong to justify us in declaring such elections to be void, yet that there was *primâ facie* proof of their irregularity, of a nature which would warrant us in recommending that they should be annulled. We felt that it was for the interest of the Porte that there should be no doubt thrown upon those elections, which would lead to the conclusion that they could not result in procuring a faithful representation of the people. We were, moreover, of opinion that the intentions of those powers who were parties to the Treaty of Paris would not be fulfilled if such a representation was not secured, and that no English Government could support elections the questionable character of which we could not altogether deny. We felt, therefore, that we should be fully justified in recommending the Sultan to annul those elections and to revise the electoral list. In taking that course we did not fail to bear in mind that the Sultan had sufficiently vindicated his own independence, by adopting the line of conduct to which I have adverted, and that he might, without derogating in the slightest degree from the dignity of his position, comply with a request which the whole of the Powers concerned in the question had concurred in making. That request embraces the simple proposal that the Treaty of Paris should be more faithfully complied with—a proposal which, as far as we can see, there will be no difficulty in agreeing to, and which, if adopted, will at once remove all those doubts which certainly do hang over the late elections in Moldavia, and which, if not dissipated, would deprive the divan of that authority which it is desirable it should possess.

REPRESENTATIVE PEERS (IRELAND.) RESOLUTION.

The Standing Order of the 3rd of July, respecting the reference to the Lord Chancellor or Lord Keeper of the Great Seal of Claims of Rights of voting at the Election of Representative Peers of Ireland, *further considered,* (according to order); *moved,* to vacate the said Order; the same was *agreed to:* then it was *moved* to resolve, That when any Petition claiming a right to vote at the Election of Representative Peers for Ireland by virtue of any Peerage in right of which a vote shall have been given and recorded at any Election of a Representative Peer, or a right to vote at such election shall have been admitted by the House of Lords, such Petition shall be referred to the Lord Chancellor or the Lord Keeper of the Great Seal of the United Kingdom, to consider and report thereupon; and the Lord Chancellor or the Lord Keeper is upon such reference to consider the matter of such Petition, and report thereupon to the House (the Lord Monteagle of Brandon): objected to; and (after debate) *resolved* in the *affirmative;* and the said Resolution declared a Standing Order, and ordered to be added to the roll of Standing Orders.

WILLS, &c., OF BRITISH SUBJECTS ABROAD BILL.—OBSERVATIONS.

Lord WENSLEYDALE said, he wished to call the attention of the noble Lord, (the Secretary of State for Foreign Affairs) to this Bill, which stood upon the notice paper for second reading, and which had for its object to render valid the wills of British subjects domiciled abroad, in case the necessary formalities in the drawing up of those instruments should have been complied with. As their Lordships were aware, there were very great difficulties in deciding the question of domicile, and that at length the principle had been settled, that if persons domiciled themselves abroad they could only dispose of their property in accordance with the law of the country in which they were domiciled. The object of the Bill was to enable persons domiciled abroad to make wills in the English form. He would suggest, however, this mode of settling the difficulty—that British subjects domiciled abroad should make wills in duplicate—the one according to the law of the country in which they were residing, and the other according to the law of England. If this were done, it was quite clear that their property would go in the manner directed. There were in France three forms of making wills; but the course which he suggested would obviate any difficulty, for nothing could be easier than to make duplicate wills, the one executed in the English and the other in the foreign form. He begged to ask the noble Earl, the Secretary for Foreign Affairs, whether facilities might not be afforded for making this suggestion to English subjects domiciled in France and in other foreign States through the medium of our ambassadors and consular agents?

THE EARL OF CLARENDON said, he was most anxious to pay attention to any recommendations of the noble and learned Lord, and especially to suggestions bearing upon a subject to which he had paid so much attention, and which had been brought before him in his judicial capacity. He (the Earl of Clarendon) had more than once had his attention called, in his official capacity, to the very painful position in which persons were placed in consequence of the doubt thrown upon wills made in foreign countries; and it appeared to him that it had been almost impossible to decide what were the real intentions as to domicile on the part of testators; and upon this point he feared it would be almost impossible always to decide. He was disposed to regard favourably the Bill which had been introduced on this subject, because it seemed to offer a mode of escape from the difficulties in which many persons were placed. With regard to the noble and learned Lord's suggestions that his view of the mode of making wills should be communicated to British subjects residing abroad, he (the Earl of Clarendon) did not think the noble and learned Lord could have adopted a more efficient means of making known his opinions than by stating them in their Lordships' House—beyond doubt his observations would be made public and would find their way to foreign countries. At the same time he (the Earl of Clarendon) could assure the noble and learned Lord that he would give his best attention to the subject, in conjunction with his noble and learned Friend on the woolsack, and if any means could be devised for doing so he would have great pleasure in communicating the suggestion of the noble and learned Lord to British residents abroad through the medium of Her Majesty's diplomatic and consular agents.

LORD WENSLEYDALE observed, that his suggestion might be communicated in a short note, which need not contain more than ten lines. With regard to the Bill which had been introduced he thought it would be productive of much inconvenience, as trenching upon an established principle.

Lord Wensleydale

LORD REDESDALE suggested, that a short printed form might be prepared, which could be placed in the hands of British subjects resident abroad.

THE EARL OF CLARENDON remarked, that the difficulty would be to supply the form in which wills should be made in France, Russia, Austria, and other countries.

LORD WENSLEYDALE thought very short forms might be supplied, the one according to the law of the country in which British subjects were resident, and the other according to the law of this country.

THE EARL OF CLARENDON: We could not supply a form of will that would be valid in France, or Russia, or Austria. A British subject wishing to make a will in any of those countries must, if he adopts the recommendation of the noble and learned Lord, send for an English solicitor, and also for a legal adviser of the country in which he is residing.

House adjourned, at a quarter-past Nine o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, August 13, 1857.

MINUTES.] 1° Militia; Jurisdiction in Siam; Customs and Excise; Consolidated Fund (Appropriation); Customs; Mutiny, (East India); Parochial Schoolmasters (Scotland) (No. 2.);
2° Judgments; Charitable Trusts Acts Continuance; Militia pay.
3° Smoke Nuisance (Scotland) Abatement; Revising Barristers (Dublin.)

THE ATMOSPHERE OF THE HOUSES OF PARLIAMENT.—QUESTION.

MR. SOTHERON ESTCOURT said, seeing the First Commissioner of Works in his place, he would beg to ask him a question. The other day the right hon. Gentleman, in answer to a question put to him by the hon. Member for North Staffordshire (Mr. Adderley), stated that he had entered into communication with the local authorities of Lambeth with regard to certain noxious trades carried on in that parish, and which, as was obvious to the perception of every one who put his nose out of the library windows of that House, were to a considerable extent the cause of the bad vapours which entered the House from the direction of the Thames. The question he had now to ask the right hon. Gentleman was, whether that communication had led to any result, and if so, whether he felt himself at liberty to state it to the House?

Sir BENJAMIN HALL said, he was glad that his hon. Friend had put that question to him, for the matter to which it related had become one of very serious nature in consequence of the course which the local authorities in the Parish of Lambeth had chosen to pursue on this occasion. With the permission of the House he would read a letter which he had caused to be sent to the Vestry of Lambeth on the subject, and their answer:—

"Office of Works, &c., July 30.

"Sir,—By direction of the First Commissioner of Her Majesty's Works, &c., I send you herewith an extract from a report from Mr. Goldsworthy Gurney, who has the charge under this Board of the warming, lighting, and ventilating of the Houses of Parliament, respecting the nuisances affecting the atmosphere of those Houses from offensive manufactories on the other side of the river. I also enclose a copy of a letter, dated the 23rd instant, from Mr. Gurney to the Solicitor for this Department, specifying some of the manufactories referred to by him; and I am to request that you will submit these papers to the Vestry of the Parish of Lambeth, and move them to cause steps to be taken for the suppression or abatement of the nuisances in question.

"I am, &c., "Alfred Austin, Secretary.

"Thomas Roffey, Esq."

That letter was sent on the 30th July, and in reply to it he received on Tuesday last the following communication from the Vestry Clerk:—

"The Vestry of the Parish of
St. Mary, Lambeth.

"Vestry-hall, Kennington-green, Aug. 10.

"Sir,—I beg to inform you that your communication of the 30th ult. respecting the nuisances affecting the atmosphere of the Houses of Parliament from offensive manufactories on this side of the river was submited to a Vestry Meeting on the 6th instant, and, in reply thereto, it was resolved that Mr. Austin be informed that this Vestry has had the matter referred to in his letter under their consideration, and are not prepared to take any legal proceedings, in connection therewith. "I am, &c.,

"Thomas Roffey, Clerk of the Vestry.

"Alfred Austin, Esq.

The House would therefore see how important it was that the Act of 1855 should have contained the clause inserted on the recommendation of the Select Committee, imposing penalties on the local authorities for the neglect of duty on their part, and how much it was to be regretted that that clause should have afterwards been expunged. He would only add that he hoped early in next Session the House would pass a short Bill to remedy the omission, and to compel the local authorities, on requisition being made to them, to act in the discharge of their duty.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Consideration of the 25th clause resumed.

Lord JOHN MANNERS said, he rose to move the insertion, after the word "adultery," of the words "or of adultery committed in the conjugal residence." He had to complain that the Government had ignored the existence of the codes collated by Mr. M'Queen in his valuable paper, which seemed to have been collated for the guidance of the House of Lords, but not for the guidance of the House of Commons. He had not been able in the short time which had been allowed to consider the blue-book to make a critical analysis of all these foreign codes, but it was clear that with regard to France, which was the most matured law, and the result of the opinions of Napoleon and some of the ablest men of his day, the wife had a right of demanding separation *a mensà et thoro*, where the husband had committed adultery in the conjugal residence. He had adopted those words in the French code as translated by Mr. M'Queen. In Sweden the wife was permitted to claim a divorce on the ground of adultery alone on the part of her husband. In Bavaria divorce *a mensâ et thoro* was granted indiscriminately to the wife and to the husband; Sardinia and the Two Sicilies, he believed, followed the rule of France. It was obvious that many of the most heartrending, most aggravated, and most cruel cases of adultery would not be met by the words as they stood in the clause. If they were about to change the law of England with respect to divorce, and to give the wife a right to claim divorce under certain circumstances, they would do well to consider the provisions of the law in other countries, and, in his opinion, the decision arrived at by the French jurists was more in accordance with good sense and with the kindness and respect which they ought to show to the female sex than the extraordinary provisions of the clause as it stood. He therefore moved the insertion of these words.

Mr. GLADSTONE said, he must beg leave to take objection to the speech of the hon. and learned Attorney General alike as a statement of facts and an enunciation of principle. The further they advanced in the discussion of this Bill the more obvious did it become that it was most essential it should be subjected to an examination and scrutiny which had not been given either by the House of Lords who passed, or by Her Majesty's Government who were responsible for it. Let them try the statement of his hon. and learned Friend first as a matter of fact, and next as a matter of principle. The Attorney General said they were only going to embody in the present Bill the expression of the administration of the existing law. Was that true in point of fact, or was it not? In the first place he must remind the Committee that the Government invited them, and if they should so decide they were about to abolish the action of criminal conversation. Was that an expression of the existing law, or was it not a change of enormous importance, if joined with no other, and was it not a change which of itself required the maturest and most careful discussion? They were also going to constitute adultery a criminal offence, or something like it, or, if not a criminal offence, a nondescript transaction, neither criminally nor civilly punishable. Was that embodied in the existing law? Was that the expression of the existing law? His hon. and learned Friend said he declined to admit the Amendment on the ground that the Bill made no change in the law. Would his hon. and learned Friend have the kindness to acquaint him in what case a woman had obtained in the House of Lords a divorce from her husband on the ground of desertion during two years and upwards? He should like to have a reply to this question before proceeding further upon the consideration of the subject.

Sir GEORGE GREY said, that if every hon. Member who addressed the Committee were to put a specific question in the middle of his speech, and then wait for a reply, the result would be great waste of time and considerable inconvenience.

Mr. GLADSTONE said, the object of his question was not to create delay, but to prevent it. He believed there was no case in which divorce had been given for adultery, coupled with desertion for two years and upwards; but before proceeding to comment on the speech of the Attorney General in that sense, he had thought it fair to his hon. and learned Friend, as he was not himself minutely conversant with the history of proceedings in the House of Lords, to put a question to him upon a matter of fact, which, if it were capable of answer at all, might have been answered in three words. Such had been his purpose, and he was in the judgment of the Committee whether it would not have tended to shorten debate rather than to prolong it. However, there was no answer forthcoming, and he was therefore driven to the alternative of supposing that there was no such case as divorce for adultery coupled with desertion. That being so, what became of the statements of the hon. and learned Attorney General, and what confidence could be reposed in his accuracy in describing matters of fact? The hon. and learned Attorney General had told them distinctly that he refused to entertain a proposition which he admitted had much reason in it, because it was making an alteration in our law of divorce. Well, according to facts, judged by the silence of the Attorney General, the Bill already made an alteration in what his hon. and learned Friend called our law of divorce *a vinculo*. The Bill provided for an entirely new category of divorces *a vinculo*, and therefore he called upon the Attorney General on his own principles either to strike out of the Bill divorce *a vinculo* for adultery coupled with desertion for two years and upwards, or else not to attempt to stifle discussion upon the important Amendment of the noble Lord the Member for Leicestershire. He now came to that part of the speech of the hon. and learned Attorney General in which he dealt with this question as one of principle. The hon. and learned Gentleman had told the Committee that it was their business to embody in the Bill an expression of the administration of the existing law, and not to change it in any respect whatever. He ventured to say that a more preposterous proposition never was submitted to Parliament. The Attorney General had spoken of the administration of the existing law as if it had been something fixed and systematized upon a principle; whereas, on the contrary, it had been in a constant state of growth and development from generation to generation. The House of Lords, acting like wise and prudent men, had dealt with cases according to circumstances, and when new cases had come forward of sufficient gravity to induce them to think that they ought to be included by parity of reasoning within the principles upon which they had formerly granted divorce Bills they had made fresh admission of such cases accordingly. That was a rational principle; and not only with regard to those new cases, but with respect to the remarriage of the guilty person, and the intermarriage of the two guilty parties the practice of the House of Lords had also been in a state of growth and development. To represent, therefore, that the administration of the existing law was somewhat consistent, systematized, and fixed, constituting of itself a firm standing ground, so that we had nothing else to do but to place our feet there, he must say was a proposition entirely unworthy of the Attorney General. More; he ventured to say it was a proposition which the hon. and learned Attorney General would never have made if it had not been for the extraordinary circumstances under which this Bill was being pressed through Parliament, and which rendered it absolutely necessary to stop discussion and prevent that consideration which the subject required. Such was the true reason for saying that the Bill was merely an expression of the administration of the existing law. Nor was this all that the extraordinary speech of the Attorney General opened to the Committee. He had understood that the real object of the Bill was to get rid of the quasi-judicial proceedings before the House of Lords, and to substitute for them a real judicial proceeding in a Court; but the hon. and learned Attorney General now called upon the Committee to pass the Bill upon the ground that it was merely an expression of the existing law, and then for the improvement and extension of that law to trust to the new precedents which would from time to time be established by private Bills of divorce brought before the House of Lords, and receiving their affirmation, thereby becoming equivalent to judgments upon appeals. If the Attorney General really contemplated that the law of divorce was still to remain exactly in the same fluent and uncertain state, subject to modification, relaxation, and addition by successive private Bills, he could only say that he cut from under his feet whatever little narrow shred or strip of ground yet remained for him to stand upon, and again supplied a conclusive proof of the crudity and precipitancy of the Bill and the scarcely decent haste with which it was being pressed through Parliament. Differing entirely from the Attorney General in regard to his facts and principles, he likewise differed from him in the practical result which would arise from his speech. He thought there were very strong grounds for entertaining the proposal of the noble Lord the Member for Leicestershire, or something equivalent to it, and if the noble Lord had not brought forward this Amendment, he should have done so himself. The noble Lord proposed that they should introduce into the Bill a provision by which not only bigamous adultery, adultery with cruelty, adultery with incest, and adultery with desertion should supply a wife with grounds for a divorce, but likewise adultery committed in the conjugal residence. They were going to give divorce to a woman for adultery with cruelty. Now, adultery with cruelty was at present a thing almost unknown in the higher classes of society, because the cruelty mentioned in the clause did not mean moral cruelty, but cruelty attended with the effect of producing bodily fear. He was afraid that in the lower classes the consequence of their giving a remedy for adultery with cruelty, and not for adultery alone, would be in a multitude of instances to induce the husband to add cruelty to adultery, with a view to divorce. That which in the higher classes bore an analogy to adultery with cruelty in the lower was adultery with insult—adultery paraded under the roof and in the view of the suffering wife,—adultery with moral cruelty; in short cases of that kind were common in the upper ranks of society. They were not likely to find among those classes adultery with desertion, adultery with incest, or adultery with bigamy, but he was afraid there were many examples of that sort of adultery which was attended with the greatest amount of convenience and luxury to the profligate husband, and which consisted in his converting his own house into the scene of his infamy, while at the same time he complied with the demands of society by maintaining outwardly peaceful relations with his wife. That was the form which the temptation took in the higher classes, and that was exactly what the Government had omitted from their Bill. He hoped, therefore, that the Committee would adopt the Amendment of the noble Lord the Member for Leicestershire, or something equivalent to it in its spirit and its effect.

Mr. DRUMMOND said, he should proceed upon the same principle with regard to the noble Lord's Amendment as he would with his own, namely, to support any proposition having for its object the establishment of perfect equality between the sexes. The clause as brought in by the Government would permit a man to turn his house into a brothel, while he could discard his wife for a single act of adultery. Grosser and more horrible systematic cruelty could scarcely be devised, and to the shame of English gentlemen be it said, that this was the only country where such a law was tolerated.

MR. KNATCHBULL - HUGESSEN said, that as one of the majority who voted for the second reading of the Bill, he would beg to state that he had not done so upon the grounds assigned by the hon. and learned Attorney General. When he voted for the second reading he had not carefully considered all the details of the measure, but, believing that the present state of the law of divorce was not satisfactory, he had confidence in Her Majesty's Government that they would propose a suitable measure for the amendment of that law. But he had the strongest objections to the clause now before the Committee, and should vote for every Amendment that would tend to better the unfair position in which a wife was now placed. It was proposed that a sin which, by whomsoever committed, was equal in the sight of God, should be permitted in one case but not in the other. He demurred to that principle, believing that the sanctity of home would be best maintained by perfect equality existing between husband and wife. The clause proposed to protect the lust of the man from the scandal attendant upon an application for divorce, and to pour out the vials of legislative wrath upon the woman alone. Women's sins generally arose from the weakness of their nature—men's from the strength of their passions. Men also had, in reality, fewer excuses for a crime to which a woman was often led by her finer feelings in seeking some one to love and cling to when her affections had been driven from their legitimate channel by the cruelty or desertion of him who had vowed at the altar to cherish and protect her. It was said that the sin of a woman led to greater social evil than that of a man, but was it not a great social evil that a man should be permitted repeatedly and with impunity to indulge in sin, and would not such a state of the law hold out strong temptations to men to indulge in vice? He believed the clause as it stood was founded in injustice, that it was opposed to morality and to the Christian religion; and, though he was desirous of supporting the Government, he could not allow that feeling to interfere with his duty to society at large, and therefore he should vote deliberately and conscientiously for the Amendment of the noble Lord (Lord J. Manners), as well as for every Amendment which would lead to the establishment of principles of equality between the sexes.

MR. NAPIER said, he fully concurred in every observation that had fallen from the hon. Gentleman who had just spoken. As the Lord Advocate was now in his place he (Mr. Napier) would remind the House that in Scotland husband and wife were placed upon a footing of perfect equality. In this country there was no law governing such matters, which were left to be dealt with by private legislation. In cases of adultery the Legislature had declared that there was no scriptural objection to granting divorces under special circumstances, but that they should be dealt with as public policy might suggest. When a wife applied for a divorce the Legislature had decided not as a matter of law but of public policy not to grant it. It should be remembered, however, that the present clause as it stood limited the power of obtaining divorce by the wife to one or two cases, and as the Amendment introduced a fresh case, in which he thought it ought to be granted, he should vote for it. He had already voted for a perfect equality between husband and wife, and he could not see that there would be any danger likely to arise from adopting the Amendment, because wives would not be likely to apply for divorces on account of simple adultery alone, but would do so only in cases where the husband's adultery was accompanied by circumstances which rendered continued cohabitation impossible.

MR. AYRTON said, he should support the Amendment as in accordance with the spirit of the clause as introduced by the Government. The objection started by the hon. and learned Attorney General was entirely untenable, for the principle of divorce for desertion was not in accordance with the old principle either of the House of Lords or of the Ecclesiastical law. Therefore they adopted a new principle as regards both forms of the law. The clause already recognised desertion in one form as a reason for divorce, but cohabitation in the same House was really desertion in the spirit, if not in the terms, of the proposition. The husband in cases of adultery scarcely ever deserted the wife. It was the wife who was compelled to leave her husband when a guilty woman was brought into it; and she had at present no remedy for this grievous wrong. They were now amending the law, and before passing any Bill for that purpose they were bound to see that it was made conformable to the principle of justice, and was likely to afford a remedy for a most aggravated form of suffering and injustice.

Mr. HENLEY said, he must express his great surprise at the course which had been taken by the Attorney General on this Amendment. The hon. and learned Gentleman did not condescend to say a word against the Amendment, but with an *aplomb* possessed certainly by no other man in the House he refused to take it into consideration, because he said Parliament was not now engaged in altering the law of divorce. But was that the case? In the very clause under consideration, there were four cases for which a divorce might be obtained by the wife, and two out of those were new. The Royal Commissioners stated that only four divorces *a vinculo* had ever been granted to a wife, two of which were for incestuous adultery, and in the other two there was the element of bigamy. There was no one in the House, then, with the exception of the Attorney General, who would have the hardihood to say that they were not altering the law in this clause. The Committee, too, had just as much right to complain of the conduct of the Home Secretary. The right hon. Gentleman, when a plain question was put, got up and objected to its being answered because it would lead to delay. That was the right hon. Gentleman's idea of the manner in which this Bill was to be discussed. Again, the Committee had a right to hear the Lord Advocate's views upon this Amendment which was in accordance with the law of Scotland, where he believed it had worked well. What was the reason that the law was to be different in the two countries? If the law was wrong in Scotland the Lord Advocate ought to bring in a Bill to amend it. If it were right, why should it not be right for England? It was absurd to say that Parliament was not enacting a new law with regard to divorce, for there had been no law at all before in which the House of Commons had concurred. The House of Lords alone had laid down the conditions under which divorces could be obtained. In establishing a new law of divorce the wife ought to have the same rights as the husband. Nobody had denied that the sin of adultery was the same in the husband as in the wife, and the remedy ought to be the same. But one Member in the House—the hon. Member for Newport—had had the boldness to admit that the only reason for making this difference was the difference between the social effects of the crime in the two sexes. The Amendment of the noble Lord was a good Amendment; it was a step towards that perfect equality which he would get if he could, but as he could not he would get what he could. It would be easy to show that the argument based on the danger of collusive divorce was totally without foundation.

The LORD ADVOCATE said, he had listened to the discussion with the deepest interest, and he was glad to find that the right hon. Gentleman had altered his mind as to the convenience of assimilating the laws of the two countries with respect to marriage. The law of Scotland proceeded upon the principle that the two sexes should be on a footing of equality, and that that principle was a correct one was proved by the result of social experience. No doubt there was a difference between the social effects of the guilt of the two parties. It was a difference which was recognised by society and by public opinion, and it was so plain and so elementary that it was unnecessary to point it out. Even the other sex at once admitted it, and condonation on the part of one sex might be amicable, while on the part of the other it would be degrading. But, notwithstanding that, he was of opinion that the rights of the two parties ought to be equal, because there was this countervailing balance, that nothing but absolute extremity would induce the wife to apply for the remedy. This was not merely a theoretical reason, for it was borne out completely by Scotch experience. In Scotland it was found that the proportion was as three to two. Out of seventeen cases in a year in a population of 2,000,000, seven were applications from wives, and ten from husbands. Out of 175 cases of divorce, seventy-three were at the instance of the wife and 102 at the instance of the husband. It was a mistake to suppose that divorces were only available for persons residing in and about Edinburgh. He had made inquiry, and he had found, on analysing the cases, that petitions proceeded from all parts of the country; but it might appear that they came mostly from Edinburgh because many of the parties would come to reside in Edinburgh while they were suing out a divorce. He had agreed in the principle of the Amendment proposed by the hon. Member for Surrey the other evening with regard to the omission of the word "incestuous," but he had not voted for it for fear that it would entail the rejection of the Bill by the other House.

MR. HENLEY said, he wished to explain that he had never expressed any opinion other than that marriage was dissoluble.

LORD JOHN MANNERS said, that the speech of the learned Lord, which did him infinite credit, demanded the serious consideration of the Committee, because it had been announced that it would be necessary hereafter to introduce fresh laws applicable to the cases of the Colonies and Ireland and Scotland. [The ATTORNEY GENERAL: Not as to Scotland.]—applicable then to Ireland, India, and the Colonies. Were these laws to be founded upon what the Lord Advocate had properly described as the principles of immutable justice, or upon those of this Bill? The hon. and learned Gentleman the Attorney General had altogether mistaken his own position as well as the spirit of the House, in the manner he had ventured to deal with the question. The argument of the Attorney General proceeded upon two assumptions. The first was that four cases which had been decided by private Acts of Parliament in the House of Lords were to be regarded as settling and establishing the law of the country; and the second was, that this clause in no way altered the law as laid down in those four cases. Now there was in the first place no law in England which authorised a divorce *a vinculo;* but admitting the first of these assumptions for the sake of argument, the other could not be supported, because it was proved by the report of the Commissioners that divorce *a vinculo* at the suit of the wife was never allowed by Parliament, except under two cases, that of adultery, coupled with incest and bigamy. But the present clause authorised two new cases —of adultery with cruelty, and adultery with desertion for two years. The Lord Advocate did not stand alone in the opinion which he had expressed. It was the universal opinion of Scotch lawyers that, if a divorce were allowed to the husband on account of the wife's adultery, the same remedy ought to be given to the wife on account of the husband's offence. What would be the practical effect of this clause if the Amendment were rejected? As a divorce was to be granted for adultery coupled with desertion for two years, a husband who showed so much respect and regard for the feelings of his injured wife as not to commit this great sin and crime in her presence, or under her roof, would be visited with the penalties of the law; but the man who flagrantly and shamelessly dishonoured the marriage bed, who kept his concubine in the house to the daily and hourly torture of his wife's feelings, would be sanctioned and upheld by the law in the violation of his marriage vows. Truly it seemed to him that justice, the principles of religion, and social expediency, all combined to condemn the clause as it stood.

THE ATTORNEY GENERAL said, I think that I have a certain right to complain of some of the remarks which have been made with regard to myself in connection with this Bill in quarters where I should least have expected them, but I am sure that upon cool consideration the Committee will see that those attacks which have been made upon me are without the slightest foundation. This Bill was committed to my charge as being based upon the limited principle of embodying the existing law with regard to divorce, and I presented it to the House as being based upon that principle, and I explained upon the second reading of the Bill the course which we proposed to adopt in order to carry out that principle. It is undoubtedly true that divorce on account of desertion for two years and adultery has not in that specified form been embodied in any Bill which has passed the House of Lords, but, although the statement which I made may be carped at, as it has been, it was substantially correct. Well, then, I am now, such being the principle upon which the Bill was introduced, invited to enter into the consideration of a question, no doubt of great importance, and one which it would be most fitting, if not most material, to consider if we were proposing to place the law of marriage on a new foundation; but that is not the function which we are now called upon to perform. I made no such representation when I introduced the Bill into the House, nor was it upon any such principle that the majority of this House voted for the second reading of the measure. I think, therefore, that I have some right to complain of the language which has been adopted by the noble Lord and by the right hon. Gentleman the Member for the University of Oxford with regard to myself

—namely, that I have disdained to consider this subject. If we were about to enter into the consideration of the whole subject of the law of divorce at large it would be a most important subject for our careful attention, and I think that the Committee will do me the justice to remember that I stated that the principle of giving equal facility for divorce to the woman and the man was recognised, not only by the laws of France, but by laws anterior to the law of France. Was that disdaining the question, or treating it with contempt? It would, however, have been beyond my functions, and beyond what I had undertaken, to have entered into the consideration of that subject on the second reading of the Bill, because it did not come within the scope of that principle which I was commissioned to invite the House to accede to. I think that the person who has charge of this Bill ought to be treated with some consideration, and it is not just to impute to me an insensibility with regard to the great question of giving equal facilities of divorce to the woman and the man. I am perfectly aware of the importance of that subject, and is it fit or right to taunt me with insensibility or indifference with regard to it, because, having proposed to the House a limited field of inquiry, I decline to enter into the consideration of other points not yet embodied in any existing principle of the law of divorce in this country? I hope, therefore, that the Committee will do me the favour to distinguish between any feeling which I might entertain if the whole subject of the law of marriage were being entered into, and what I feel it my duty to do when the inquiry is limited as it is at present, and to believe that I am not actuated by any feeling of disdain or contempt for a principle which I admit under other circumstances would be entitled to the utmost consideration. The duty which we have now, however, to discharge is a limited one. It is merely to embody the law of divorce which at present exists, and I know of no private Bill ever having been granted which has embodied the principle which I am now blamed for refusing to discuss. If this Bill were once thrown aside, and the whole law of marriage and divorce made the subject of inquiry, then I should be the last man to limit the field of discussion, or to refuse to consider a state of law which inflicts injustice upon the woman most wrongfully and without cause, and which may be considered opprobrious and wicked. We are now, however, limited to the performance of that duty which this Bill imposes upon us—namely, to erect a new tribunal and to embody the principles of law which already exist. As regards the question of equal facility of divorce being given to both sexes I certainly think myself entitled to ask, how is it that some hon. Gentleman who, like the right hon. Member for the University of Oxford, or the right hon. Gentleman opposite, has been aware that injustice has been perpetrated year after year and century after century, has not brought the subject under the consideration of the House? Those hon. Gentlemen had, on the contrary, allowed her to remain in the position in which she was, and now, when the Government were taking some steps in her favour, they suddenly found out that in one particular point, which the measure did not touch, she is a perfect martyr. The subject, however, is one of the greatest importance, and this present Bill need not be the end-all of legislation upon the subject. By this Bill we shall create a tribunal which may hereafter have to administer other laws made under happier auspices. I hope that some hon. Gentlemen will in a following Session perceive the inconsistency which has marked their conduct throughout this discussion. In what way do those hon. Gentlemen think that they have presented themselves to the country? Do they suppose that after having recorded on the Minutes of this House their intention of advocating in every way the principle of the indissolubility of marriage they will be listened to with credit when they come forward and move Amendments which not only recognise the principle of the dissolubility of marriage, but which propose to afford further facilities for obtaining divorces *a vinculo matrimonii?* Do they suppose that such proposals as they bring forward will be received by the people of England as coming from sincere advocates? No; such proposals cannot be sincere. An hon. Gentleman cannot be supposed to be sincere, nor will the people of England look upon him as sincere, who, after advocating the principle of indissolubility of marriage, brings forward Amendments based upon a diametrically opposite principle.

Mr. GLADSTONE: If I, Sir, had been a mere spectator of this debate, and had heard the speech which the hon. and learned Attorney General has just delivered upon an Amendment to a clause of the Bill, and had noticed what a wide range he has taken, both in general discussion and in personal attack, and if I had been ignorant of all that has taken place in this House, with regard to this Bill, I should have thought that there was an intention to defeat the Bill by delay, and that that design was nurtured by the Attorney General. The hon. and learned Attorney General thinks himself entitled to charge hon. Members of this House, in so many words, not only with inconsistency—with which he has a perfect right to charge them—but with insincerity, in that they have brought forward and supported a proposition with which he says, they know well nobody can believe them to be sincere. Now, it appears to me, that my hon. and learned Friend the Attorney General himself, if he has not crossed the line, has trodden very close to the line, where it would have been the duty of the right hon. Gentleman who presides over the deliberations of the Committee to interrupt him, as a disorderly Member of Parliament who abuses the privilege of speech; for I say, it is not usual with hon. Members of this House to challenge the sincerity of an hon. Member, in reference to any proposition he may think it his duty to advance. Now, if I had the intention of defeating this Bill by delay, my hon. and learned Friend the Attorney General has given me the best handle in the world for taking that course. After the charges, not of inconsistency only, but of insincerity also, which have not only proceeded from his mouth, but gleamed from those eloquent eyes of his, which have been turned continuously on me for the last ten minutes, instead of being addressed to the Chairman, I should have been justified in entering on a personal defence of myself. But I shall do no such thing. I give my hon. and learned Friend all the benefit of all his imputations of inconsistency and insincerity. Let them go for what they are worth. I will not occupy the time of the Committee by replying to them. But this I shall tell my hon. and learned Friend, that those charges, multiply and reduplicate them as he may, will not stand between me and the performance of my duty, or go to absolve me from the obligation of canvassing and criticising a measure which has now, perhaps more than ever, assumed a position that renders it totally unfit to be submitted for discussion in this House. What are the statements of my hon. and learned Friend the Attorney General himself, and of my hon. and learned Friend the Lord Advocate? Are those statements really compatible with the course which Her Majesty's Government are pursuing? Can it be justified—I don't say out of the mouths of the opponents, but out of the mouths of the friends and champions, and out of the mouths of those who are responsible for the Bill. The Lord Advocate says, I have misinterpreted the reports on the Scotch divorces. On the contrary, I contend I have analysed them with the utmost care, to the extent to which the information goes. I have appealed to him for more information, but he has not had time to procure it. But, if you will refer to the 73rd page of the Divorce Commission, you will see that the operation of the law of Divorce in Scotland is, in the main, to make it a local law, and, almost, to confine it to Edinburgh and Leith and their immediate neighbourhood, and to some other great towns which are in easy communication with them. But that is a matter comparatively unimportant, except when we match it with other admissions made by my hon. and learned Friend the Lord Advocate. He has been fairly challenged as to the merits of the question now in issue, and what were the memorable words of the Lord Advocate? I think he said that the law of Scotland, which gives perfect parity of divorce to a woman, was well founded, both in principle and experience. He used, I think other pretty strong words on the subject. He said, he concurred in the principle of the Amendment of my hon. Friend the Member for West Surrey; and these admissions have been followed by the admissions of my hon. and learned Friend the Attorney General. The Attorney General distinguished between the advocates of the Bill and those who had the charge of it, and it appears from my hon. and learned Friend, that those who have the charge of the Bill are not the advocates of it. The Bill is pushed by him through this House as a ministerial duty. He receives it from the Cabinet, for whom he considers it his business to hew wood and draw water. [The ATTORNEY GENERAL was understood to say, "That is true."] It is true? Well, that is important. My hon. and learned Friend expounds to us the principles of this great measure of policy, and dilates, not only on history, but, also, on theology, and the Scripture arguments. He must always recollect, however, that he does not appear before us here, simply as an English Gentleman, speaking from his own breast and his own conscience, but as the organ and minister of commands issued to him from above: but, notwithstanding that, that is the principle which my hon. and learned Friend has laid down, he has, himself, however, entirely broken the shackles that surround him, for he has fairly given tongue on this Bill, and has told us that the English law of divorce is "opprobrious and wicked," that that law, to which he now asks us to give legislative expression, is "opprobrious and wicked," and places women in an inferior and unjust position. I may question the prudence and policy of the declaration which my hon. and learned Friend has made, in his capacity of Attorney General, but I must say, I think it does him honour as a man. My hon. and learned Friend says he is going to propose to us a Bill which is to leave women in an inferior and unjust position, and which is to give statutory form and fixity to the law of divorce, which is "opprobrious and wicked;" and my hon. and learned Friend the Lord Advocate, the other official and legal adviser of the Government says, the law of Scotland, which asserts a contrary principle, is well founded in principle and experience; but he invites us to pass a Bill ill founded in principle, and condemned by experience, and his reason for that is the fear that the measure should not pass during the present Session. Let us translate this matter into plain language. They demand of us to pass a bad Bill; for, if we attempt to make it a good Bill, it is impossible to pass it at all. Why, that is the original ground on which a difference of opinion arose with respect to this Bill. It is a total mistake to suppose that my right hon. Friend asserted the doctrine of the indissolubility of marriage. Some hon. Members may hold that doctrine, but there are many others who do no such thing; and I hold myself open to consider the legislative question of the dissolubility of marriage, and of the conditions on which it should be granted. But is that a reason that we should pass a Bill under the circumstances in which this is laid before us? My hon. and learned Friend the Attorney General wonders why he has been taunted so much for the course he has pursued with reference to this question, and he repays those taunts with interest. My hon. and learned Friend must clearly observe the actual position of affairs. My noble Friend opposite (Lord J. Manners) proposed an Amendment which is conformable to the precedents of other laws, which Amendment he thought it his duty to submit to the House, and the principle of which has received the approbation of every hon. Gentleman who has spoken upon it. The hon. and learned Attorney General, however, says, "I cannot consider your Amendment, because this Bill is a mere and pure expression of the present legislative practice of the House of Lords." But does the hon. and learned Attorney General say that this is a case in which "an inch is as good as an ell," and that if, by an inch, you depart from the present law of divorce, in order to admit propositions which you view with favour, a man is to be found fault with, who wants to digress by two inches? After the Attorney General had, on the part of the Government, said, they would not discuss the proposition of my noble Friend (Lord John Manners), the Lord Advocate, on the other hand, in the frankest and clearest manner, proceeded to give his opinion upon it, and he, too, is in favour of the Amendment of my noble Frend, in principle. Why, then, is it not to be admitted into the Bill? I could understand your proposition if you were taking this imperfect, fluent, uncertain, and continually growing and altering, practice of the House of Lords, and arbitrarily founding a statute upon it, though that would be a bad ground for legislation. But you are not doing that: you are altering the law of divorce *a vinculo;* you are giving to it new chapters and new heads. My noble Friend (Lord J. Manners) asks you to give it another new chapter; and, again, I ask on what principle it is that the Government can ask the Committee to negative the proposition of my noble Friend? But I cannot pass by the remarkable admissions of the legal advisers of the Government. They admit that the principles upon which the Bill is fixed are founded in injustice and condemned by experience, that they leave the woman in an inferior and unjust condition, and that such a law is opprobrious and wicked. It is impossible to pass by those admissions without seeing that those who make them are not justified in asking the House to assent to a Bill so framed. It would be far better to wait until we can, with deliberation, deal with a subject of this vast and immeasurable importance, than now to proceed, with haste and precipitancy, to give our sanction to a measure with regard to which its own advocates make admissions more damning than any charge which can be brought by those who are opposed to it.

VISCOUNT PALMERSTON: My right hon. Friend who has just sat down has accused my hon. and learned Friend the Attorney General of dealing severe taunts on those to whom he is opposed. The right hon. Gentleman the Member for the University of Oxford, with that great kindness which distinguishes him, has dealt, as I think, and as he himself must feel, an undeserved taunt, not on his opponents, but on other parts of the House. The right hon. Gentleman has accused my hon. and learned Friend of being a hewer of wood and drawer of water. No doubt in the course of the arguments which have taken place on the present Bill, it has been necessary for my hon. and learned Friend—and ably has he acted up to the necessities of the case—to "hew" in one or two directions, and in so doing has cut most severely right and left; but it has been reserved for the right hon. Gentleman the Member for the University of Oxford to describe the persons on whom those cuts were inflicted as composed of that material of which he says my hon. and learned Friend is a hewer. Whether, as a drawer of water he has drawn tears of repentance from the eyes of those who have abandoned their opinions, it is not for me to say. This Amendment undoubtedly will be recommended to our adoption by the reflection that those who vote for it must have given or are giving a public, formal, and deliberate recantation of the principle which they have hitherto maintained of the indissolubility of marriage, because the object and direct effect of this Amendment are to extend to a greater range the principle of dissolubility, which the right hon. Gentleman the Member for the University of Oxford and others have denied. We shall certainly be disposed to look with favour upon an Amendment which draws into our camp, from the adverse camp, all those who have hitherto opposed the fundamental principle of this Bill. The right hon. Gentleman opposite, and some who have taken part in this debate, support this Amendment upon the broad principle that with regard to divorce there ought to be no difference between husband and wife. I cannot admit the extent of that principle, and I think, without explaining more particularly the grounds, no reasonable man who looks to the constitution of society and the results of marriage can fail to see that whatever may be the quality of the moral offence, the consequences of adultery are utterly different in the case of the woman. As far as regards the interests of society it is not true that the woman ought invariably to be placed on the same footing in this respect as the man. The Lord Advocate, with that national feeling which I trust every Scotchman will always cherish, and with that natural regard which is instilled into the mind in early youth for the institutions of his country, would have all distinctions between English and Scotch law abolished, by the extension to England of everything peculiarly belonging to Scotland, and that, I understand, is the opinion of some of those who sit on the other side of the House. Do they mean to say that the law of marriage is the same in the two countries? Do they mean to introduce into this country the extreme facility of contracting marriage which has been brought to light in a recent trial in Scotland, and formed part of the defence of one of the parties—namely, that the writing a letter to a woman by a man, or by a woman to a man, claiming the other as husband or wife, constitutes a marriage? They do not. Therefore it is quite preposterous to argue this question upon the ground that because there is a difference between the law of Scotland, and the law of England, that difference must be removed by adapting to England everything which may be found in the law of Scotland. If my Scotch friends will permit me to say it without offence, I would rather attain similarity in an opposite direction, by extending to Scotland the law of England; but I am well content to leave the laws as they are, except upon matters where common interests require that legislation should be uniform. The great objection to the Amendment proposed by the noble Lord is that it gives rise to great opportunities and means of collusion between the parties. I think it is evident that it would very much assist a husband and a wife who wished to get rid of each other by legal process, and it is obvious how much more easy that process would be under this Amendment than under the Bill as it now stands. One great argument of the right hon. Gentleman the Member for the University of Oxford is that we ought to make this Bill as perfect as possible—that we ought to correct every evil which may exist in the law of marriage. That is a stereotyped objection to every measure the opponents of which desire to prevent its passing. It is an old, standard, set-up form, for the purpose of objecting to any improvement to say that it does not carry out all the improvements of which the matter in hand is susceptible, and if we admit that to be a valid reason there is hardly any improvement in the law which ever can be made, because it always can be said that we have not done everything which might be done. It is the same argument which for years has delayed the improvement of the Ecclesiastical Courts. When measures with that object were brought before the House those who wished to perpetuate abuses said that they did not accomplish everything which it was desirable they should accomplish. I do not go so far as my hon. and learned Friend the Attorney General and others who have spoken in thinking that in regard to the dissolubility of marriage we ought to place the wife on the same footing as the husband in all and every respect, but I frankly admit there is some force in the argument which has been alleged in favour of the particular condition of the Amendment. I cannot but admit that the argument of the right hon. Gentleman has some force, that by the Bill, as it stands, marriage may be broken by the wife for a less violation of her rights than that which this Amendment would contemplate; and, although I think with the Attorney General, that it would be much better that the House should pass the Bill, adopting in it the law as it stands with trifling omissions, nevertheless, anxious as I am to promote the passing of the measure as it is, and balancing the merits against the evils of the Amendment, I am not disposed to press to extremity the objection which I have stated. I only protest against the concession on one point being made the ground for demanding other concessions more objectionable, and with that explanation I do not intend to divide the Committee.

Mr. HENLEY said, that by accepting this Amendment the noble Lord repudiated the doctrine of the hon. and learned Attorney General that they were not to amend the Bill. The noble Lord admitted that they ought to take as good a measure as they could when they could not get a perfect one, and thereby conceded that the Committee should endeavour to amend the Bill as much as possible. This was an important concession. The local courts were another important concession, and neither of these objects was included in the Bill. The noble Lord had no right to make the charge general, that a majority of the opponents of the Bill were against the dissolubility of marriage, because many of them objected only to the conditions and form in which the Bill for divorce was presented. The noble Lord knew that they were only beginning to get into the difficulties of the question, and yet he asked the Committee to import into it the whole subject of Scotch marriages. He thought the noble Lord had exercised a wise discretion in accepting the Amendment, but regretted that he had not consented at once to place the wife in the same position as the husband. The vast inconvenience to a woman of having her home destroyed was a security that she would not abuse her power of applying for a divorce.

Lord JOHN RUSSELL: I am glad that my noble Friend at the head of the Government has agreed to the proposal of the noble Lord the Member for North Leicestershire (Lord J. Manners), because I think that the ground which has been taken by the hon. and learned Attorney General, that we were doing no more than carrying into effect the existing law, having undoubedly failed, the Amendment of the noble Lord opposite is necessary for the improvement of this Bill. It was shown clearly enough by the noble Lord and by others that, in effect, if the Bill were to pass in its present shape you would impose upon the wife greater hardships than she may now sustain, because, instead of deserting his wife and living with a mistress at some distance, a profligate husband would have only to introduce the woman into his house in order to drive his wife away, thus placing her in a worse position than at present. But I should not have thought it necessary to rise now, my noble Friend having given way, if I had not believed that the tone adopted by some who have taken part in this debate called for a few remarks. I thought we were discussing one of the nearest and dearest relations of life — that on which not political events or the changes of Ministries, but the happiness of married life depends; but from the tone assumed by members of the Government I should have imagined that we were engaged in some party debate, in which all those paramount considerations which the subject of divorce naturally suggested were to be thrown aside in order that taunts might be cast at some hon. Gentlemen who are said to be inconsistent. I think that taunt in itself is of little value, because I have always understood that hon. Members of this House were quite at liberty to oppose the principle of any Bill, to declare upon the second reading that that principle was totally adverse to their opinions, and yet when a majority had affirmed it to endeavour in Committee to make the Bill as consonant with justice as it could be made. Upon the subject of the taunt, therefore, there is little to be said; but what I think ought not to be borne by this Committee is, that a mere taunt should be put in the place of all argument against the opposition. A noble Lord or a right hon. Gentleman proposes that marriage should be dissoluble in certain cases, and up gets some member or official of the Government and says, "Oh, but you were of opinion before that marriage should not be dissoluble in any case." What has that to do with the question? If a wife some years hence should be found to complain that she could not get a remedy, that the law was wrong and unjust, what answer would it be to her to say that the House of Commons could not agree to such an Amendment because it was proposed by those who had said or done something inconsistent with it upon some former occasion? We really ought to consider the importance of the subject before us, and not whether a taunt might be well or ill directed against an opponent. I think the hon. and learned Attorney General has a right to be heard when he says this Bill is placed in his hands, and he is asked to expound it to the House; but the Government ought to give greater weight and confidence to the hon. and learned Gentleman, considering his eminence as a lawyer, and the value of his opinion, and they ought not to ask him to support propositions which he declares to be wrong and unjust. I heard with alarm that this Bill was not to be an end-all of legislation on this subject. I am one of those, as I stated the other night, who are willing to come here and attend to this Bill, and who do not think it would be any excuse for a neglect of our duties to say, that we are in the middle of August; but, if we are to consider the Bill, let us do so fairly and fully; and let it not be said after this measure has passed, that it is intended to last for a year only, and that we may expect another Bill next Session. The subject is so important, solemn, and even sacred, that Parliament ought to deal with it in the most careful and deliberate manner, and not allow fresh propositions to be brought forward year after year. It would be intolerable to say to a wife, "It is true you are unjustly treated, but wait a little, marriage will be put upon different conditions, and in a few years hence the law will enable you to obtain a divorce." The effect of that would be to shake the very foundations of married life, and I must say that the adoption of such a course ought not to be permitted to any Government whatever. Let the Government be strong or weak, it ought not to be allowed to tamper with the best interests of society by perpetually unsettling the law of marriage—a law which, above all others, demands the most sacred and inviolable fixity.

The ATTORNEY GENERAL said, that the principle of the Amendment having been frankly accepted, he wished dispassionately to call the attention of the noble Lord the Member for North Leicestershire to the very large proposition involved in his form of words, as compared with the authority from which he had derived it. In the book to which the noble Lord had referred the French law was stated thus:—"A wife may demand divorce by reason of the adultery of her husband, when he has kept his concubine in the common residence." It was stated in a note that the French law, though regarding the adultery of the husband in all cases as extremely reprehensible, yet distinguished where his infidelities were occasional and fugitive. The principle of the French law, therefore, was, that a wife should have divorce when she had been insulted in a manner that prevented the hope of reconciliation, by her husband bringing a mistress into the same house, and insisting upon keeping her there; whereas, the words adopted by the noble Lord opposite would include any occasional and fugitive act once committed in the common residence, without the insult offered to the wife of bringing the mistress into the house as a resident. He would suggest, therefore, that they had better adopt the language of the foreign Code referred to rather than the somewhat loose words of the noble Lord, and that the Amendment ought to run thus:—"Adultery committed by the husband with a mistress kept in the same house as the wife."

Amendment proposed to the proposed Amendment,—to leave out the words "in the conjugal residence," in order to add the words, "by the husband with a mistress kept by him in the same house with his wife."

MR. HENLEY said, he believed that the words proposed by the hon. and learned Attorney General would be wholly inoperative. In English society it would be hardly possible to find a single man who was sufficiently a villain to outrage all laws so as to bring him within the category laid down by the hon. and learned Gentleman. A man might commit adultery with the housemaid, the lady's-maid, or any sort of maid, but that would not fall within the hon. and learned Gentleman's category of a mistress kept in the conjugal residence. He hoped the hon. and learned Gentleman would not attempt to fritter away to nothing that which the noble Lord (Viscount Palmerston) had agreed to on principle.

THE ATTORNEY GENERAL said, he had not the least desire to evade any decision to which the Committee had arrived. All he wished to point out was the difference between an isolated act and habitual adultery. The principle of the law, as copied from the source to which he had referred, would be to give the wife a right to divorce for habitual adultery on her husband's part, committed within the conjugal residence. As the right hon. Gentleman seemed to think that he (the Attorney General) wished to evade the decision of the Committee, he should withdraw his Amendment.

MR. HENLEY said, that he did not intend to convey that the hon. and learned Gentleman sought to evade the decision of the Committee, but merely intended to point out what would be the effect of the Amendment he proposed. As to habitual adultery, how was that to be proved? It was difficult enough at present to prove legally a single instance, and of course it would be still more difficult to prove a series of instances.

MR. CLAY said, he regretted that he felt bound to speak somewhat in opposition to the generous feeling of the Committee, which seemed to think that there should be a parity of punishment between the man and woman; but to justify that there must be a parity of crime, and that he could not admit to be the case. Those who had listened to the analysis of the right hon. Gentleman the Member for the University of Oxford must have been struck with the idea that, if the crime of adultery was more frequent among men than among women, that arose from the circumstance that with the former it was regarded as a lesser offence than by the latter; in fact, according to the French axiom, it was in one case a surprise of the senses, and in the other an error of the heart. In order to show the inequality of the crime in man and woman, he would put the case of a father who had a son and daughter both married. If the son complained to him of his wife's infidelity, the father would sympathize with him, and say, "You cannot continue to live with this woman; you cannot entrust the education of your daughters to her, and you must put her away." If his daughter came to him and complained of her husband's infidelity, the father would express his sorrow, but would ask whether the adultery had been combined with cruelty, or with offensive insults, or was it habitual? If he found it was merely a "surprise of the senses," he would recommend his daughter to bear her misery for a time, and to endeavour to bring back her husband for the sake of her own and her children's position. By this illustration the Committee would see how differently the crime is viewed in the two sexes. Divorce might be given to the wife for her husband's habitual adultery, but, for God's sake, let it not be granted for every passing error committed by the husband.

MR. GLADSTONE said, he thought the hon. Gentleman had only discharged his duty in stating his difference from what he believed to be the general current of opinion in the Committee. As, however, the hon. Gentleman had referred to him (Mr. Gladstone), perhaps he might be permitted to say a few words in answer. The hon. Gentleman had imagined the painful case of a father giving advice to his daughter as to the irregularities of her husband, and had said, would not the father recommend that those irregularities should be borne with if they were not of a deliberate and habitual character? That might be, but it had no bearing upon the present question. In how much better condition would the father be to give that advice if he could show to his daughter that there was a sheathed sword which the law put into her hands, and which she could at the proper moment draw from the scabbard? He would advise her to avoid resorting to the use of that weapon so long as there was any hope of a remedy without it. What they had to do was to provide a remedy upon which the woman could fall back in case of extremity, and they knew from all experience that recourse would not be had very frequently to that remedy. The knowledge of the existence of such a remedy would give the wife and her friends much influence over the husband, who would have the alternative offered him of a divorce "looming in the distance" in the event of a continuance of his irregularities. The hon. Gentleman said that the crime of adultery was unequal in man and woman, but so were other crimes, in the punishment of which the law did not consider sex. The offence of drunkenness was greater in a woman than in a man, but the difference was not considered in legislating upon the subject. The crime of homicide also was greater in a woman than in a man, but neither in human nor in Divine law was there any difference in the punishment recognised. In the New Testament, although adapted by the highest wisdom to the purposes of human life and human society, there was no specific distinction made between crime in man or in woman. Religion and experience were alike against such a distinction. The Attorney General, however, had now raised a new difficulty. The Amendment of the hon. and learned Gentleman was quite different from that of the noble Lord (Lord J. Manners), for to say that divorces should be granted to the wife only in cases of habitual adultery on the part of the husband was only saying that such divorces should never be granted at all. Habitual adultery of this sort would be of all offences the most difficult to prove. The term "mistress," too, was exceedingly ill-chosen, as it was unknown in the law in this sense. In old times it had an honest meaning, as what was now called "miss" was then called "mistress;" and even now in most ranks of society the term applied to the wife and not to the concubine. In the Roman law, the divorce was granted on proof of any specific act — not on proof of habitual adultery. The words were—Si quis in eâ domo in quâ cum uxore manet, contemnens eam, cum aliâ invenietur.

The Amendment to the proposed Amendment by leave *withdrawn.*

Lord JOHN MANNERS said, that as the Government had withdrawn their Amendment and accepted the original Amendment, he had nothing more to say than to deny that he was guilty of inconsistency in endeavouring to introduce Amendments into the Bill, having previously voted against the second reading. It would be rather a dangerous doctrine to lay down that those who voted against the second reading of a Bill were thereby precluded from endeavouring in Committee to obviate some of the injustice which it would entail.

Mr. MALINS declared that he felt much embarrassment in the position in which he was placed, by the conduct of the Government. The aspect the debate had assumed that morning, had put the Committee in an entirely new position. Great complaints had been made that the opponents of the measure were offering it a factious opposition; but how stood the matter now? He denied that because they attempted to make certain clauses better, they were therefore to be supposed to agree to the principles of the Bill. As far as those principles were concerned, this ought to be a final measure — one not requiring an important and immediate Amendment, as it was highly injudicious to disturb domestic relations by fleeting and continuous legislation. This showed how necessary it was to wait for further information before they legislated on this subject. A document, which had been long before the other House, but which was only just placed in their hands, compiled by Mr. M'Queen, a gentleman well known in the profession, contained information of the highest importance, which they had not had time to read. He had been on the point, at a previous period of the debate, of rising to move that the Chairman leave the chair, in order that the Government might take advantage of the information afforded them by this discussion, and reserve the Bill for another Session. He would now submit the Motion, if he thought he should have any substantial support. It was evident to him that the hon. and learned Gentleman the Attorney General was performing a difficult and laborious task, and not one of love. It was clear he was fully alive to the imperfection of the Bill, as he could not tell the House that he was satisfied with it. Who was it, then, who wished to go on with the Bill? He denied that he abandoned the principles in advocating the Amendment—he was for indissolubility, but he was likewise for justice. He trusted that the noble Lord would see that if he proceeded with the Bill there was no knowing when the discussion would cease. Much had been done—suggestions of a valuable nature had been made—an important principle had been established, and he trusted that the noble Lord would even then consent to abandon the Bill for the present.

Mr. STEUART said, he thought the suggestion of the hon. and learned Member was well worthy of consideration. Important information on the subject—the Report as to foreign law on the subject—had not been presented to the House. And under such circumstances the House ought not to be asked to hurry the Bill through in a crude and unsatisfactory state. He should support the proposition to report progress if it were made. He also would beg to ask the learned Lord Advocate if it were not the law of Scotland, that an adulterer was punishable with death.

Original Question put, and *agreed to.*

Sir WILLIAM HEATHCOTE said, he wished to call the attention of the hon. and learned Attorney General to the effect of the clause as it at present stood. By the clause a wife was allowed to sue for a divorce on the ground of adultery with incest, or cruelty, or desertion, and then it also ran on in a disjunctive manner for bigamy. Now, according to that, a man might marry a second wife and be arrested on his way from the church, where bigamy could no doubt have been committed, but not adultery, and was it intended in that case that a woman should have the power of obtaining a divorce?

The ATTORNEY GENERAL said, that the word "bigamy" in the clause implied cohabitation.

Sir WILLIAM HEATHCOTE said, he had been informed by an eminent ecclesiastical lawyer, that the act of bigamy was complete without cohabitation, but in order that the question should be fully discussed he would move the omission of the word "bigamy" from the clause.

Another Amendment proposed in the same line, to leave out the words "or of bigamy."

Question proposed, That the words "or of bigamy" stand part of the clause.

Mr. AYRTON suggested to the Attorney General to include bigamy among those offences which, coupled with adultery, entitled a woman to sue for a divorce. Bigamy was a statutable offence of which the essence was the intermarriage, and under the Statute there was no provision that cohabitation should be necessary to complete the offence.

Mr. GLADSTONE said, that it appeared to him that they could hardly move an inch without receiving some new illustration of their total unfitness to manage this subject. The hon. and learned Attorney General had laid down that bigamy included cohabitation.

The ATTORNEY GENERAL: What I said was that in this clause bigamy implied cohabitation.

Mr. GLADSTONE: What, did his hon. and learned Friend mean that the term should have a sense in this Act different to that which it had according to the general law of the land? Why, suppose a man were tried for bigamy before a Judge of Assize, did the Judge require proof of cohabitation? No; he only required proof of the first marriage and the second marriage, and the fact that the first wife was living at the time the second marriage was contracted. Now, by the Bill, power of granting divorces *à mensâ* was conferred upon the Judges of Assize, and were they in dealing with the subject of divorce to attach a different meaning to the word bigamy to which they attached in administering the general law? His noble Friend at the head of the Government had affected to say that a species of credit had been established in favour of the Government; in fact, that, as he had made a concession with regard to the Amendment of the noble Lord opposite, so the opponents of the Bill ought in their turn to concede a little to the Government. Now, he could not agree in that opinion, for he thought that, instead of his noble Friend having made a concession, he had received a great benefit from the noble Lord, for which the advocates of the Bill owed the noble Lord a debt of gratitude. Then, again, but for the hon. Gentleman the Member for the University (Sir W. Heathcote) the House might have been committed to a scandalous and gross blunder. He could not himself recollect such a piece of blundering workmanship, through which a woman would have the power of obtaining a divorce on the ground of bigamy where no adultery had been committed, while in other cases, even where adultery actually had been committed, she had no such power.

The ATTORNEY GENERAL said, it was true that it must be bigamy followed by cohabitation. The collocation of the words which came from the House of Lords is such, however, as to make them open to the observations which have been made upon them. He hoped his hon. and learned Friend the Member for Wallingford (Mr. Malins) was not about to treat the Committee to another speech. [Mr. Malins: I shall not promise you.] He could hardly account for the exultation with which his hon. and learned Friend the Member for Wallingford flapped his wings at the admission which he (the Attorney General) had made. To return to the point under discussion, bigamy was an offence by the common law, and by the Statute 9 *Geo.* IV. bigamy was completed as an offence by the solemnization of the marriage, although it was not attended by cohabitation. The intention of the clause was to make bigamy a ground of divorce where it was followed by cohabitation.

MR. GLADSTONE: The Attorney General says the intention of the clause is to make bigamy followed by cohabitation a ground of divorce. But why "followed?" Why not also "preceded" by cohabitation? That interpretation given by my hon. and learned Friend will not do.

MR. HENLEY said, he thought they were being afforded a tolerable illustration of what they had been told over and over again, from the Treasury bench, whenever hon. Members asked the meaning of this part or that part of the Bill—namely, that it was so plain that he who ran might read. The Committee, he thought, ought to be obliged to his hon. Friend near him (Sir W. Heathcote) for having asked the simple question he had done. He (Mr. Henley) had not exactly caught the words proposed by the hon. and learned Member for the Tower Hamlets (Mr. Ayrton), but probably, the hon. and learned Member would bring them up, and let them be read from the Chair.

THE ATTORNEY GENERAL said, probably, these words would answer the purpose — "adultery and bigamy combined."

MR. AYRTON said, there would be this difficulty, if the Amendment first suggested by the Attorney General were adopted, that the adultery might be with one person, and the bigamy with another. The Amendment he (Mr. Ayrton) proposed, would run thus,—"be guilty of incestuous adultery, or of adultery coupled with bigamy," and then some words would have to be added to explain that it was adultery with the person with whom the bigamy was committed. They should be strict in their wording of a clause which involved penal consequences.

SIR WILLIAM HEATHCOTE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

THE ATTORNEY GENERAL said, the difficulty might be surmounted if the words ran thus,—"incestuous adultery, or bigamy and adultery with the same person." Another Amendment proposed in the same line, after the word "bigamy," to insert the words "and adultery with the same person."

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, that, with all due respect, he must submit that it would be worth while for the hon. and learned Attorney General to consider the words necessary to be inserted a little farther, and that "bigamy and adultery with the same person" would not do. They had advanced thus far, that they had now got this portion of the Bill before them for discussion in an intelligible and grammatical shape, and that, in his opinion, was a great matter. By this Bill, however, they appeared to constitute adultery a criminal offence—in fact, to make it a misdemeanor. Observe what would happen. A married man, who had committed the combined crime of adultery and bigamy, gave his wife a title to present a petition to the Court, praying for a divorce. She presented that petition and obtained that divorce, and the Court, exercising the discretion reposed in it, imposed, as it would be its duty to do, a heavy fine on the adulterer. The adulterous husband would then have to undergo the punishment of a fine, not only for his adultery, but for his adultery together with his bigamy, and his bigamy would constitute a portion of the offence. Now he (Mr. Gladstone) wanted to be sure what would be the effect of that state of the law on the husband's liability to answer for bigamy as a felony under the statute which made bigamy felonious?

THE ATTORNEY GENERAL said, the only fine imposed by the Bill arose under the petition presented by the husband; but the case they were now considering was the petition presented by the wife. There was no fine where the wife was the complainant, and the husband the respondent; but if it were so, the infliction of a fine would not preclude an indictment for the felony.

MR. GLADSTONE said, he was not before aware that the Bill contained another case of inequality so gross between the husband and wife, as that the man who corrupted another man's wife was to be subjected to a fine, while the husband who was guilty of the enormous offences stated in the clause under consideration, was to be subject to no such fine, but merely to divorce. He should, certainly, take another opportunity of raising that question before the Committee.

MR. NAPIER said, that the effect of the clause would be, that a charge of bigamy which was one of felony, would be tried by the Court in the first instance, collaterally, and without a jury.

THE ATTORNEY GENERAL said, that the case must be sent to a jury.

MR. MALINS observed that he thought that the case of adultery with one woman and bigamy with another ought not to be excluded.

THE ATTORNEY GENERAL said, that the words he had originally proposed would meet this case.

MR. HENLEY remarked, that he thought that the hon. and learned Attorney General should take time to consider the words. It was a matter which required considerable attention, as a man might be first tried, under this Act, for adultery and bigamy, and then, under an indictment, for bigamy alone; so that he would be tried twice for the same offence.

VISCOUNT PALMERSTON said, that he could not give way to the appeals made to him to abandon the Bill, and it would be brought on again the first thing in the evening.

House resumed. Committee report progress; to sit again *this day*, at Six o'clock.

FREEDOM OF JUDICIAL OFFICERS FROM ARREST (IRELAND)—QUESTION.

MR. HATCHELL said, he wished to ask the Attorney General for Ireland Whether it is the intention of Government to introduce a Bill, next Session, for the purpose of withdrawing protection from arrest from official debtors in Ireland, in accordance with the recommendation of the Dublin Chamber of Commerce?

MR. J. D. FITZGERALD said, he presumed that the question had reference to certain judicial officers who were protected from arrest for debt. That protection was originally given for the public good; but, since he had received the Report of the Dublin Chamber of Commerce, and that of the Solicitors' Society, his own impression was, that the time had arrived when the public good did not require that such protection should exist any longer, while, on the other hand, much evil arose from its existence, enabling persons to contract debts without any intention of payment. He expected early next Session to bring the subject before Parliament.

POSTAL COMMUNICATION WITH AUSTRALIA.—QUESTION.

MR. MACARTNEY said, he would beg to ask the Secretary of State for the Colonies whether any complaints have been received from the Australian Colonies (by either of the two last mails) of the irregular and unsatisfactory manner in which the postal service has been performed between Suez and Melbourne, since January last; and, if so, whether there would be any objection to lay the same on the table of the House?

MR. LABOUCHERE said, in reply, that he had received certain communications from the Governors of the Australian colonies, upon the subject to which the question referred, and if the hon. Gentleman would move for the production of those communications, there would be no objection to lay them before the House.

COALING STATIONS FOR INDIAN TRANSPORTS.—QUESTION.

MR. STAFFORD said, he would beg to ask the First Lord of the Admiralty what steps have been taken by Her Majesty's Government, or the proper authorities, with reference to the steam transports that have already sailed, or are about to sail, with troops or stores for India, so as to secure for them an adequate supply of fuel for the voyage, and what arrangements have been made for such supply at the Cape de Verdes, Cape of Good Hope, Mauritius, or other coaling stations *en route?*

MR. T. G. BARING said, that under the engagements between the East India Company and the owners of steamers taken up to convey troops to India, the latter were bound to provide coals for the entire passage. He was able to assure the hon. Gentleman that the European and American Steam Ship Company, from whom four ships had been chartered, had provided such a supply of coal at St. Vincent's as would suffice to take those ships to Calcutta without stopping at any intermediate place. The owners of the other vessels would no doubt take means to provide coal, and he believed there would be no difficulty in obtaining coal at Madeira and the Cape de Verd Islands. As to the steps which had been taken by the Board of Admiralty to assist the shipowners, he was enabled to state that when the hostilities with China commenced care had been taken to replenish the stores of coal at all the naval stations, and those stores had been kept up ever since. As soon as the news of the Indian mutinies arrived, and it was known that troops would have to be sent out, the Board of Admiralty informed the East India Company that if any of the transports should require coal from any of Her Majesty's naval stations, and more especially the Cape of Good Hope, the storekeepers would supply them. He could assure the House that, after deducting the coals necessarily used for the supply of ships going to China, there still remained an ample store at the Cape of Good Hope to fill up the deficiencies of screw ships going to India.

SIR DE LACY EVANS said, he should be glad to know whether the same precautions had been adopted at the Mauritius.

MR. T. G. BARING said, the Mauritius was not a naval station for coaling steamers.

BUSINESS OF THE HOUSE.

SIR JOHN PAKINGTON said, he would beg to inquire of the noble Lord at the head of the Government whether he could appoint any day when he (Sir J. Pakington) could bring on the Motion relating to Education, of which he had given notice.

VISCOUNT PALMERSTON said, he was sorry he could not give the right hon. Baronet a day at present, but when the Divorce Bill was disposed of he would be happy to accommodate him.

LORD JOHN MANNERS: As the Attorney General will be engaged to-morrow morning in the House of Lords, is it intended to proceed with the Divorce Bill to-morrow morning?

VISCOUNT PALMERSTON: I am not aware of anything to prevent us from going on to-morrow morning.

LORD JOHN MANNERS: Then I will ask the Attorney General whether he can attend to-morrow morning.

THE ATTORNEY GENERAL: Among the minor duties to be discharged by the Attorney General at this time of the year is the duty of summing up for the Crown in certain cases in the House of Lords. In the Shrewsbury peerage case I shall have to perform that duty to-morrow, unless the House of Lords upon my application shall think proper to defer my address until Monday. If the Divorce Bill be fixed for to-morrow morning it is my intention to acquaint the House of Lords with the fact, and to ask their Lordships to allow me to postpone my summing-up until Monday.

SIR JOHN PAKINGTON: As there seems to be some doubt whether the Attorney General can be here to-morrow, perhaps the noble Lord will re-consider his determination and give me to-morrow morning.

Mr. T. G. Baring

VISCOUNT PALMERSTON: Every point in this Bill is discussed at so much length that I cannot lose an opportunity of pressing it forward. However unwilling, therefore, I may be to inconvenience the right hon. Gentleman, I am afraid we must go on with the Bill to-morrow.

LORD JOHN MANNERS said, he understood it was the intention of the Government to proceed with the Divorce Bill Committee on the following morning, provided the Lords would postpone the Shrewsbury case. Supposing their Lordships not to do so, what would then be the course of Her Majesty's Government?

VISCOUNT PALMERSTON: There is a French saying, "Then as then" (*Alors comme alors*).

MR. GLADSTONE: I rise, Sir, to move the adjournment of the House. Really, I think my noble Friend, confident in the power of his majority, is overstepping the fair consideration which is due to Members of this House. We are now told that we are to-morrow morning to wait upon the Attorney General at twelve o'clock to know whether the House of Lords will give him a permission which will dispense with his attendance there and enable him to go on with the Bill in this House. However confident my noble Friend may be in his position, and however much he may desire to push this Bill in the same manner as he pushed on the Limited Liability Bill, which he had to repeal the next year, it is not right that he should keep Members of this House dancing attendance here in order to know whether we are to have any business or not.

MR. MALINS said, he thought it was very hard upon Members who took an interest in the Bill, and who made a point of attending to discuss it at great personal inconvenience, to be brought down at twelve o'clock to-morrow, and then to be coolly told that as the hon. and learned Attorney General could not attend there would be no business. He would venture to predict confidently that the House of Lords would refuse the hon. and learned Attorney General's application to postpone his summing up, and that they would insist upon his proceeding to-morrow.

VISCOUNT PALMERSTON: I have no hesitation in saying that we will go on with the Bill to-morrow, whether the hon. and learned Attorney General is here or not.

MR. GLADSTONE said, he must beg pardon. If he had known that the Bill would be proceeded with in the absence of the Attorney General he should not have made any observation. He would beg to withdraw his Motion.

Motion by leave *withdrawn.*

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read:

House in Committee and the discussion on the Attorney General's proposition to insert "and adultery with the same person" after the word "bigamy" in the 25th Clause was *resumed.*

The ATTORNEY GENERAL said, that on consideration he thought it would be better that the words should run, "bigamy with adultery with the same person."

Mr. GLADSTONE said, he must express a hope that the hon. and learned Gentleman would explain what was the intention of the House of Lords in this clause. Was it meant to give a title to divorce for bigamy and adultery, though they were committed with different parties, or was it meant to give a title to divorce only in cases where bigamy and adultery were with the same person.

Sir JOHN PAKINGTON said, he thought there was a great practical difficulty in mixing up the question of bigamy with adultery, as the former offence was well known to and punishable by the law. He would therefore suggest the omission of the word "bigamy" from the clause.

The ATTORNEY GENERAL said, that in a case which had come before the House of Lords, a divorce was granted for adultery with a certain person, followed by bigamy. Accordingly, when their Lordships came to settle this clause, bigamy was inserted as being a ground justifying the granting of a divorce to an injured wife. The House of Lords sent down the Bill with that word alone in the clause, plainly meaning that it should be bigamy consummated, that was, bigamy followed by adultery with the person with whom it had been committed. A doubt having arisen as to whether the words in the clause were sufficient to express this meaning, the Committee that morning addressed itself to the introduction of words which should express the meaning more accurately. Some difficulty was occasioned by his hastily proposing the words "adultery and bigamy." An hon. and learned Gentleman immediately suggested that there might be adultery with one person, and bigamy with another. It did not at the moment suggest itself to him to propose the words "adultery with bigamy," and he therefore moved those which were now in the hands of the Chairman. Since then it had occurred to him that the words "bigamy and adultery" would meet the case. He should prefer "adultery with bigamy," but it was necessary to move the words in that order, because the word "bigamy" in the clause had been passed. If the Amendment were allowed to be withdrawn he should propose the insertion of those words, which would entirely remove the difficulty started by the hon. Baronet the Member for Oxford University.

Amendment by leave *withdrawn.*

Another Amendment proposed, "After the word 'bigamy' to insert the words 'with adultery.'"

Question proposed that those words be there inserted.

Mr. GLADSTONE said, he had to complain that the hon. and learned Attorney General had not answered his question. The embarrassment arising from the want of time was shown by the fact that the hasty admission of words that morning had compelled his hon. and learned Friend to suggest the adoption in this clause of words less clear than he thought it desirable to use.

Mr. PULLER remarked, that he thought it was unreasonable of the right hon. Gentleman the Member for the University of Oxford to ask the Attorney General what were the intentions of the House of Lords. All that that hon. and learned Gentleman could be expected to state was what were the intentions of the Government. To his mind, the question whether the adultery and bigamy were committed with the same person, or with two different ones, was irrelevant. The Committee was, a few lines afterwards, invited to give the wife a divorce in case of desertion, and in his opinion bigamy, with whomsoever committed, was such a decisive proof of the intention of the husband to desert his wife and take up with another woman, that it ought to be a ground for a divorce.

Mr. HENLEY said, he was ready to admit that the hon. and learned Attorney General could not be expected to explain what were the intentions of the House of Lords upon this matter, but he wished to ask the hon. Member for Hertfordshire (Mr. Puller) whether, sitting as he did immediately behind the hon. and learned Gentleman, he had been able to discover what had been his mind upon this subject during the last three or four hours? Since four o'clock the Attorney General had considered this matter, and he now suggested general words instead of such as would apply only to a particular case. Every step that they took with regard to this Bill only increased their difficulty, and led them deeper into the mire. The hon. and learned Gentleman had not yet answered the question as to what would be the effect of a verdict in this court of divorce upon a subsequent indictment for bigamy. That was an important point, and he trusted they would yet have the benefit of his opinion upon it.

Mr. GLADSTONE said, he did not think that his question was open to the remarks of the hon. Member for Hertfordshire (Mr. Puller). It would, of course, be absurd to suppose that his hon. and learned Friend, from the position which he held as Attorney General, would be able to inform the House as to what was the intention of the House of Lords; but in the present instance, he would beg the Committee to recollect that after all this was not a clause forced upon the Government by the House of Lords; for that all the Amendments to the Bill in that House were finally determined according to the wishes of the Government. Now, his hon. and learned Friend (the Attorney General) had made an Amendment on the clause, and he (Mr. Gladstone) must admit he was most anxious to know what would be the exact judicial construction of that Amendment. At the same time he thought his hon. Friend the Member for Hertfordshire (Mr. Puller) had stated the case with perfect fairness when he said that the question substantially before them was, whether the bigamy was necessarily to be committed with the same person as the adultery, or whether the case referred to in the clause extended to bigamy perpetrated with another person different from the adulterer. He confessed that he thought bigamy with adultery to amount to such an aggravation of the offence as justly to entitle the wife to the relief of divorce.

The ATTORNEY GENERAL said, he had answered the question of his right hon. Friend several times already.

Mr. GLADSTONE: No; pardon m. What I want to know is, whether the Government proposes to give the wife a title to divorce in case of bigamy and adultery—whether the adultery be committed with the same person as the bigamy or with any other person.

The ATTORNEY GENERAL said,

Mr. Henley

that both cases would, he thought, be met by the words "bigamy with adultery."

Lord JOHN RUSSELL said, that they had been informed that, with the exception of the Amendment of the noble Lord opposite (Lord J. Manners), they were proceeding upon the assumption of not altering any principle of law as laid down in private Acts of Parliament; and if that were so, then it was necessary to gather from the cases which had been decided by Parliament what was the real state of the existing law upon the subject. Now, he believed that among the few cases in which relief had been granted to a wife, there was not a case in which a divorce had been granted on the prayer of the wife for adultery and bigamy, where the adultery had been committed with one person and the bigamy with other persons. If there were such a case, then great care ought to be taken not to deprive the wife of a remedy which at present she could obtain, by making it necessary that the bigamy and adultery should be with the same person. This, however, seemed to him to be the effect of the clause.

The ATTORNEY GENERAL said, that in the case referred to by the noble Lord, the bigamy had been completed in the sense in which he had explained it to be intended in the clause. He believed that the words he proposed to introduce would meet both classes of cases—those in which the bigamy and adultery were committed with the same person, and those in which the adultery was committed with one person and the bigamy with another.

Mr. NAPIER said, he could not assent to the Amendment without being better satisfied as to its exact effect. He could not see why a distinction should be made between bigamy and other felonies. Suppose a husband to be transported for life, did not that amount to a complete desertion of his wife? Again, there was no provision in the Bill providing for the trial of these offences criminally. The whole proceeding was civil, and there the matter was allowed to rest. Besides which, under the Bill, as it stood, a party might be tried for an offence in his absence, and without the intervention of a jury. Now, those were anomalies which ought to be remedied. Lord Thurlow laid it down in one of the first applications that came before the House of Lords for a divorce on the part of the wife, "That in all such causes their Lordships ought to govern their conduct by the particular circumstances of each individual case." Well, when they departed from that rule it was his (Mr. Napier's) belief that they ought to provide specific redress for every case that might arise, otherwise they would be depriving the wife of remedies she at present enjoyed. As he had said he could not give his consent to the Amendment without receiving a clear explanation as to the reasons why it was introduced, and as to the form of procedure by which it would be worked out.

Lord JOHN MANNERS said, he thought the observations of his hon. and learned Friend the Member for the University of Dublin (Mr. Napier) were well worthy of consideration. Now, he wished to direct the attention of the Committee to a paragraph appearing at page 16 of the Report of the Commission—namely, "that in the case of innocent bigamy, or the like, it might be proper to give power to the wife to institute a suit for divorce *a vinculo ;* but, as a general rule, her remedy should be left to the Legislature, and to the Legislature alone." Well, what interpretation were the Government about to put upon that recommendation of the Commission ? Was it the intention of the Government to restrict the redress of the wife to the cases specified in the clause under discussion, or was it intended to permit wives when insulted and aggravated beyond what was provided for by the clause to come to Parliament for redress, and that Parliament was to be at liberty to decide each case on its merits. If so, what became of their cry that they were about to put an end to the scandals of the present system. The opinion of Lord Cottenham and of the House of Lords in 1840, as delivered in the case of Mrs. Battersby, was, that the transportation of a husband for felony, coupled with adultery on his part, was a sufficient ground for divorce on the part of the wife. At all events that was Mr. M'Queen's interpretation of Lord Cottenham's views, and he would beg to ask whether the Government assented to that opinion.

Sir DENHAM NORREYS said, he could not but compassionate the position of the hon. and learned Attorney General, the only use made of whom by the Government was to throw him over when it suited them. Now, he did not profess to understand the Bill in the slightest degree, but he really could not conceive why there should be so much time spent in discussing a point, which was clear to all but legal minds. It struck him that if a husband was guilty of bigamy, whether he consummated the second marriage or not, he had sufficiently insulted his wife to justify her in looking for a divorce. A husband might commit a rape, and yet the wife need not necessarily be entitled to a divorce ; but not so in the case of bigamy. And for this reason — a man might commit rape without any vicious intention. He meant to say circumstances might occur in which a man was induced to commit rape without any premeditation, whereas bigamy was always premeditated. There was no parallel at all between the two cases.

Mr. GLADSTONE said, he would ask the Committee whether the speech they had just heard did not afford a very apt illustration of the anomalous position in which they were placed with regard to some of the provisions of this Bill. Here was a most intelligent Member of Parliament expressing his opinion with a candour which they could not but admire ; and in what way did he try to clear up the question before the House ? He seemed to be possessed with the spirit of a Draco when he spoke on the subject of bigamy, but when he affected a transition to that of rape he exhibited all the tenderness of a woman or an infant. He seemed to think that bigamy was an offence infinitely more atrocious than rape, notwithstanding the marked distinction which our law had ever made between them ; for he would remind the hon. Baronet that the law dealt with rape as a capital offence, but had never done so with bigamy. The hon. Member whose mind was evidently in a state of mature preparation for the discussion of this great and important subject, was surprised that anybody should have the least difficulty in coming to a conclusion upon the matter before the House. The hon. Member gave an admirable proof of the exact preparation of mind with which, on the 13th of August, a Member of Parliament could come to the consideration of this question. It was not necessary to discuss the relative guilt of the offences that might be committed by a husband ; but the point was, what other criminal offences beyond those stated in the clause ought to be included as giving a wife a title to a divorce against her husband ? If one kind of felony superadded to adultery was to constitute a title on the part of the wife to divorce, why should not all other felonies accompanied with adultery give her the same title ? Then he would say, irrespective of the question whether all felonies, when superadded to adultery ought to give a title to a wife for a divorce, there was another question whether that particular class of felonies which had a certain analogy to the crime of bigamy ought not to give that title to a wife, even though the Legislature refused to give it for all felonies. And therein particularly came the felony of rape, and another class of felonies of the highest order to which it was not necessary to advert by name, but which would be generally understood by the Committee. It appeared to him that, as regarded that particular class of felonies which constituted capital offences against the marriage contract, it was incomprehensible that they were not included in the clause under consideration as giving the wife a title to divorce. He did not think they could pass this clause without having those questions distinctly raised.

VISCOUNT PALMERSTON said, he thought that the question of his right hon. Friend had been answered already by his hon. and learned Friend the Attorney General, who pointed out that bigamy was an offence particularly directed against the wife, inasmuch as it was an attempt to contract a fresh engagement in violation of a still existing one between the husband and wife, whereas other felonies were directed against society in general. That seemed to him (Viscount Palmerston) to be a substantial distinction, and one on which the Committee might fairly assent to the Amendment of his hon. and learned Friend.

MR. HENLEY said, he had already one question before the learned Attorney General, which he had not as yet been good enough to answer; nevertheless he wished to put another question to the hon. and learned Gentleman. In those cases which had been decided in the House of Lords, and upon which, as they had been told, the existing law was founded, he wished to know whether previous convictions for bigamy had taken place? For if so, he should contend that the clause ought to be shaped in accordance with what was said to be the law founded on those cases; and that the matter should not stand over for trial until after the wife had proceeded in a civil court.

THE ATTORNEY GENERAL said, the right hon. Gentleman having had some experience in criminal proceedings must be well aware, that supposing the question of bigamy came before the civil tribunal for the purpose of divorce, the determination of that tribunal, or the evidence taken in order to arrive at that determination, would not be looked at for one moment in a court of criminal judicature. He would take that opportunity of saying, without meaning to give offence, that it was scarcely fair to put questions to him, not for the purpose of eliciting information, but for the purpose of founding some other argument upon his answers.

MR. HENLEY said, the hon. and learned Gentleman had not answered his second question, and at the same time let him observe, that although, as he was quite aware, evidence before a civil tribunal was not available for a criminal proceeding, still a jury would be very likely to be prejudiced by the fact of such a trial having gone against a man.

MR. BARROW said the phrase bigamy with adultery was rather ambiguous. To bring out the meaning of the clause more clearly it should run "adultery coupled with bigamy." He thought that adultery when coupled with bigamy, even if it was not committed with the same person, was a ground of divorce by a wife.

LORD JOHN MANNERS said, he must beg to reiterate his question, and to ask the Attorney General whether in Battersby's case, in the House of Lords, felony was proved, and whether it would be permitted to a wife to seek a divorce in case of felony followed by transportation? The noble Lord (Viscount Palmerston) said that bigamy was a felony which implied desertion by a husband; but in other felonies there was desertion, which, though not voluntary, was more certain. Was adultery followed by felony, followed by transportation or imprisonment, and so by desertion, to be a ground of divorce for a wife to sue for a divorce.

MR. LYGON said, that if they took the only six cases mentioned in the reports in which divorces were applied for by wives against their husbands, they would find that, although adultery by itself was not considered sufficient to entitle the applicants to a remedy, yet adultery coupled with any other offence was regarded as a valid ground of divorce. The Committee had decided that there should be a distinction between the two sexes, but he thought, nevertheless, that adultery combined with other aggravating circumstances should entitle a wife to a divorce.

MR. AYRTON said, he wished to make a suggestion to the Committee. They were now considering what were to be the consequences of adultery coupled with a particular offence, but when they arrived at the next line, which provided that adultery coupled with unjustifiable desertion should be a sufficient ground of divorce, they would have to consider the more general question of adultery combined with such a class of acts as caused a permanent or prolonged separation between husband and wife. He suggested, therefore, in order to enable the Committee to get on with the Bill, that the Amendment of the hon. and learned Attorney General relative to adultery with bigamy should be agreed to —supposing they concurred in the proposition, which, for his own part, he deemed a doubtful one, that the bigamy might be committed with one woman and the adultery with another—and that they should discuss the other questions which had been raised in connection with the subsequent part of the clause.

Mr. GLADSTONE said, he thought the hon. and learned Gentleman had omitted to advert to one very important point, raised and discussed principally on the other side of the House, and without the consideration of which they could not pass even the limited portion of the clause that related to bigamy. He had heard no answer vouchsafed to the question of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), whether in the case of a petition for divorce, where the allegation was bigamy with adultery, it was or was not to mean exclusively bigamy which had already been proved in a court of justice, subject to all the forms and safeguards by which the liberty of Englishmen was defended. If they did not interpose that condition, if the felonious act of bigamy was not proved in a criminal court before it came to be put in issue in the Court of Divorce and Matrimonial Causes, they would inflict great injustice upon the party, because, although it might not be competent to produce in evidence the fact of divorce for adultery combined with bigamy, yet the knowledge, which they could not possibly shut out, that he had been divorced for adultery with bigamy would unduly prejudice him in a court of justice. It was to be hoped that the Committee would not be ready to affirm the proposition that bigamy with adultery should be a valid ground of divorce until they knew whether proper provision was to be made for ascertaining that the proof of bigamy should be full and adequate. He wished to refer for a moment to another point. The noble Lord at the head of the Government had given him a sort of meagre answer to the question why other felonies were not included along with bigamy. Bigamy, replied the noble Lord, was the only felony that necessarily implied desertion. If that were true it would still be most inadequate; but it happened not to be true, because there were other felonies that implied desertion, and because bigamy did not necessarily imply desertion. A man who contracted a bigamous marriage might not intend, and might not *de facto* desert his first wife, but, on the contrary, might continue to cohabit with her, and only pay occasional visits to the unfortunate person whom he had deluded into an illegal marriage. But the noble Lord did not take the slightest notice of the question put, not with respect to felonies universally, but with regard to that particular class of felonies which imported capital offences against the marriage contract, especially the offence of rape and that other offence which they were unwilling, as long as it was not necessary, to name in that House. If the Committee had no further explanation of the views of the Government than what they had succeeded hitherto in extracting, directly the word "bigamy" had been passed he would proceed to raise a question with respect to other descriptions of offences.

The SOLICITOR GENERAL said, he understood the right hon. Gentleman the Member for Oxfordshire to say that it would be extremely unfair to prejudice a man by an inadequate and an incidental inquiry in the divorce court, he being subsequently liable to be tried for the felony of bigamy. That was a hardship which was not only perfectly well known to the law, but which might and actually did frequently occur. Take the case of action for libel, the libel being an accusation of felony, and the plea or justification that the plaintiff had really committed the offence. The defence would be set forth as precisely as if it were an indictment for felony, so that whatever way the verdict might go the plaintiff would really be indicted for a felonious act.

Mr. HENLEY observed that the hon. and learned Solicitor General had omitted one important fact in the case he had put. The hon. and learned Gentleman had cited the case of a man who chose to commence proceedings against another for libel, and the defendant justified by setting out proof of a felony committed by the plaintiff; but in that case the party complaining brought the inconvenience upon himself, and there was a law maxim that *volenti non fit in-*

juria. But in the cases which would arise under the Amendment the proceedings would be against a man who was not a willing party to them. The hon. and learned Gentleman had not answered one part of the question, whether or not the House of Lords did try the question of bigamy in the case of Mrs. Hall and in another case, or whether there had been a previous conviction.

The ATTORNEY GENERAL said, that question could not be answered without a minute investigation of the Journals of the House of Lords to ascertain whether the record of the previous conviction was tendered and received in evidence. He hoped the Committee would allow the words to stand as they were, for it would be impossible to expect women to seek for divorces if they were required, as a preliminary, to prosecute and to convict their husbands of bigamy.

Mr. NAPIER said, he would also beg to remind the Committee that there was a further answer to the case put by the hon. and learned Solicitor General, and that was that the case he put must be tried by a jury; but in the case under the Bill it could not be tried by a jury, and you had what was unknown to the law, a felony tried without a jury. Then, again, the word "bigamy" was not known to the law as necessarily implying a felonious offence, for according to the definition of Lord Coke, it was said to mean marrying two wives in succession, or marrying a widow. That showed how loosely they were dealing with this important question, and if the words proposed were adopted, they would make the clause clumsy, inconsistent, and, he believed, inoperative.

Sir JAMES GRAHAM said, he was sorry to multiply objections, but he must state one difficulty which occurred to him. The right hon. Gentleman who had just sat down said that bigamy was not known to the common law as a felonious offence. If that were so—if the word "bigamy" was not *secundum artem*, and was not known to the law, it appeared to him that they were involved in a great scrape, for that word was the only word of the Amendment which stood part of the clause at present. He thought great absurdity, to use the mildest term, would occur if the words proposed should be adopted. He understood the proposition to be that a wife might apply for a divorce to the new tribunal, alleging on the part of her husband adultery with bigamy. The Court might be satisfied that the two crimes had been committed, and the marriage would be dissolved and never could be renewed. If he were not much mistaken, the man whose marriage had been dissolved, because a competent tribunal had declared him guilty of adultery and bigamy, might afterwards be indicted and tried at the assizes, and the jury might return a verdict of not guilty. There would then be the gross absurdity that a marriage had been dissolved upon the ground of bigamy which a jury had decided he had not committed. Unless he should receive some better explanation upon that point than had yet been given he should vote against the Amendment.

The ATTORNEY GENERAL said, the word bigamy was perfectly well known to the law as a description of an offence, even if it did not actually occur in an indictment. With respect to the question of the right hon. Baronet, he could only say that in case of any difficulty it would be competent for the Court to suspend the proceedings, and to direct a prosecution against the party accused of bigamy, and in that way make the criminal proceeding subservient to the civil.

Mr. GLADSTONE: In what part of the Bill is that power to be found?

The ATTORNEY GENERAL: There was no need for a provision to that effect in the Bill, as it was a power necessarily inherent in the Court. Every Court had power to suspend proceedings and to direct an indictment.

Lord JOHN MANNERS said, he should wish to know whether the case was really as the hon. and learned Gentleman had stated. Could a Court, without any specific words in the Act of Parliament constituting it, take upon itself to direct the Attorney General to prosecute a man and to stay proceedings until that prosecution was decided?

Sir GEORGE GREY said, that his hon. and learned Friend the Attorney General had stated his view of the law, and the question was put by the noble Lord to the other gentlemen of the Long Robe; no one rose to answer, and yet his right hon. Friend (Mr. Gladstone) complained that the Attorney General had not given an answer.

Mr. GLADSTONE hoped that some answer would be given to the question. He would appeal as it were *in formâ pauperis* to the right hon. Member for Dublin University for information. Did he believe that in the case of a man whose wife proceeded against him in the Matrimonial Causes Court for adultery coupled with bigamy, the Court could direct an indictment without any special words to that effect appearing in the Act.

Mr. NAPIER replied, that any Court where a criminal offence was shown to have been committed might direct the evidence to be laid before the Attorney General.

Mr. MALINS said, that if a criminal prosecution were going on the civil Court might suspend its proceedings, but it was not within the power of any Court, for the purposes of a particular suit, to direct a prosecution. It might direct the papers to be laid before the Attorney General.

Mr. NAPIER thought it would be unfair, if it was intended that there should be a prosecution for bigamy, to start it with the prejudice against the accused of the prosecution having been directed by the civil Court.

Mr. ROLT said, he was of opinion it was not in the power of the Court to suspend the prosecution, unless in the case of any evidence actually affecting the ends of justice which it had to administer. If a question arose the solution of which was to depend upon the question of felony, he apprehended it was out of the province of the Court to order the papers in question to be laid before the Attorney General, for the purpose of inquiring whether the felony was or was not committed. In a collateral question, he apprehended that the Court had no jurisdiction to set the Attorney General in motion; and the Attorney General would pay no attention whatever to a recommendation made by the Court in such case. Undoubtedly when any offence had been committed against the Court, or any offence which would tend to divert the practice and procedure of the Court from the ends of justice which it had to administer, or, still farther, any offence against any persons or property over whom the Court had any jurisdiction, it would be within the jurisdiction of that Court to direct the necessary documents to be laid before the Attorney General.

The LORD ADVOCATE said, it was certainly the practice of the Scotch Courts, if anything came out in a case which ought to be the subject of a criminal prosecution, to draw the attention of the Lord Advocate to it. With regard to the point under discussion, nothing was more common than to see a civil Court trying a question which might be made the subject of a criminal indictment.

Mr. PULLER said, he thought that it was impossible to attempt to provide for every case which might arise without running the risk of doing injustice to the husband or the wife. Something ought to be left to the discretion of the Court.

Mr. WIGRAM remarked that the clause should be so framed as that there should be a previous conviction for bigamy before the prayer of a petition could be granted for dissolution of marriage. He would suggest that the words "evidence by a conviction of the offence" should be added after the word "bigamy."

The ATTORNEY GENERAL said, that if a married man went to a foreign country and married another woman, the effect of such an Amendment would be to deny the wife in this country the power of being relieved from the marriage. Impediments would be thrown around the wife which would render her situation so difficult that she would be unable to obtain the benefit of the provision if it should be necessary to establish bigamy by a criminal sentence.

Mr. NAPIER said, that the case of marrying a woman and going away with her came within the category of adultery and desertion.

Mr. MALINS said, that, as the clause stood, it was lawful for a wife to proceed for a divorce on the ground that her husband had been guilty of bigamy. Now, bigamy was a felony, and he apprehended that this Court, not being a criminal Court, could not try this. If a petition were presented to the Court of Chancery to do a certain thing on the ground that a party had been guilty of felony, the Court would not try that. If a party came to this Court asking for a divorce on the ground of bigamy, the proper course to be pursued by the Court, acting on the same analogy, would be to insist that the fact of this offence having been committed should be proved by the record of the conviction. That being so, he thought that it was unnecessary to introduce the words proposed by the hon. Gentleman the Member for Cambridge University (Mr. Wigram) because he thought that, as the clause stood, the Court could not grant a divorce upon the ground of bigamy without the record of a previous conviction being put in. He believed that no Member of the bar would controvert this. He might remark, however, that the word "bigamy" was not a proper one to use, because it was a word not known to either of the statutes which made remarriage during the life of a husband or wife a felony, and one which would not be held to be a sufficient description of the offence in the indictment.

Mr. BUTT said, that if the proposition of the hon. Member were correct, there could be no objection to saying, as the hon. Gentleman the Member for Cambridge University proposed, that the Court should not proceed to grant a divorce on the ground of bigamy without proof of a previous conviction. But the fact was that this was not so. Any one who was acquainted with the proceedings in Courts of common law, must know that nothing could be more common than for such a Court to try criminal questions incidentally arising in the course of a civil proceeding; as, for instance, if a newspaper charged the hon. and learned Member for Wallingford with bigamy, and he brought an action for libel, and the defendant pleaded "justification," the Court would at once try the truth of that issue. So it was the case when actions were brought upon bills of exchange where the plea was forgery; the Court would at once inquire into the truth of that issue. In no such case, however, would the Court suspend its proceedings until they had directed an indictment to be preferred and that was tried, as had been suggested by the hon. and learned Attorney General. If this Bill were passed three Judges might, without a jury, find a man guilty of bigamy, and upon that ground a sentence of divorce, for the next clause only rendered the verdict of a jury necessary upon the fact of adultery. He objected to that, and thought that the foundation for the exercise of this jurisdiction should be a previous conviction in a criminal Court. They were told that this Bill was to incorporate the present practice of the House of Lords. But he believed they would only grant a divorce, if at all, in such a case as that under discussion on the production of a record of a conviction in a criminal Court. If no other member of the Committee did so, he would move the insertion of words in the clause defining the word "bigamy;" making it only apply to a man who married another woman during the lifetime of his wife, and rendering it necessary in order to obtain a divorce by the wife on such grounds that the record of the conviction in a criminal Court should be produced in support of the petition for divorce.

Mr. M'MAHON said, he thought the clause required amendment, and consequently was induced to support the suggestion of the hon. Member for Cambridge University (Mr. Wigram).

Mr. GLADSTONE said, that it was clear that the Committee had agreed to the adoption of a word which in law had no meaning at all, and it was, therefore, most necessary to insert explanatory words defining precisely what the offence of bigamy was.

Mr. BUTT said, that he was afraid that having passed it they could not then get rid of the word "bigamy," although it made the Bill stark staring nonsense; but he would propose to add to it these words, "by feloniously intermarrying with any other woman." They need not say "in the lifetime of his wife," because she would be the petitioner.

Mr. M'MAHON said, he thought these words were unnecessary. The Amendment of the hon. Member for Cambridge University (Mr. Wigram), namely, "bigamy evidenced by conviction," was sufficient, because conviction could take place only for the criminal offence under the statute.

Mr. MALINS said, he begged to refer to a passage from *Burn's Justice of the Peace*, which defined bigamy to be marrying two successive wives, and polygamy to be married to more than one wife at the same time. He would suggest that as in the case of incestuous adultery there was a proviso explaining the meaning of the word "incestuous," it would be advisable to add a similar proviso defining the offence of bigamy.

The ATTORNEY GENERAL remarked that he would not object to the introduction of the words proposed by the hon. Member for Youghal (Mr. Butt) which were perfectly harmless and, he might add, perfectly unnecessary.

Question, That the words "with adultery" put, and *agreed to.*

Mr. GLADSTONE said, he thought this was the proper time to raise the question whether there were any other felonies which ought to be placed on the same footing with adultery, as giving the right of divorce to the wife. There were other offences besides bigamy which so much outraged the marriage tie as to entitle the wife to a divorce on the ground of their being committed. There was, for example, rape, and a certain class of other offences which all would admit ought to be included in the same category with bigamy.

THE ATTORNEY GENERAL intimated that he would not object to the specification of the offences referred to.

MR. GLADSTONE said, he would, in that case, not detain the House with any further observations, but would propose the insertion of the words "or of rape with adultery." He had inadvertently, it appeared, committed a slight blunder. The Amendment he proposed was the insertion of the words "or of rape."

The words "or of rape" were then inserted in the clause, as giving the wife a right to divorce, as were also, on the Motion of Lord Lovaine, a certain other class of offences.

MR. WIGRAM said, he should now propose to incorporate words in the clause, so as to necessitate the act of bigamy, rape, or other offence being proved by a conviction.

Amendment proposed, in page 7, line 7, to insert the words "such bigamy, rape, or other offence as aforesaid, being proved by conviction."

THE ATTORNEY GENERAL said, he could not agree to the insertion of these words, on the ground that to make the remedy of the wife depend on a criminal proceeding and conviction would be to limit it in the most unjust manner, by accompanying it with painful and degrading circumstances. There was also another reason. He had known a case of a person of large property who was charged with one of these offences. A large portion of his property was applied to buying off the witnesses and sending them to a foreign country, which prevented his being convicted.

MR. GLADSTONE said, he would admit that there were real and grave difficulties in this case, but they only showed how wisely the Committee would have acted if they had given effect to the real opinion of the Lord Advocate and the Attorney General by adopting the Motion of his hon. Friend the Member for West Surrey, the principle of which those two hon. and learned Friends of his admitted, but opposed on the division. The result was that they had now nothing left but a choice of difficulties. There might be a class of cases of persons absconding, with respect to which the Amendment of his hon. and learned Friend (Mr. Wigram) would be attended with serious objections; but, serious as they would be in themselves, they would be exceptional cases. He would remind the Committee that they were not now legislating so much for the upper classes, where, in cases of things so infamous, to abscond was a matter of course, and where the means of absconding were always at hand, as they were legislating for the people at large. With respect to the general operation of the enactment, he frankly affirmed that he had not an adequate conception of this question, but he was driven to give a vote upon it under the circumstances in which the Bill was brought before them, and being so compelled to give a judgment, it appeared to him that the Motion of his hon. and learned Friend (Mr. Wigram) ought to be adopted, because it tended to establish a rule which would be sound, fair, and wholesome in the generality of cases. In the clause, as it stood, there was something like a violation of the cardinal and elementary principle of justice in regard to criminal procedure which invariably guided that House, namely, that a man was supposed to be innocent until he was proved to be guilty. The hon. and learned Solicitor General could not imagine that by quoting the case of a court called upon to try a felony charged in a libel he was supporting a real analogy. That was a case in which there were many fundamental differences. In the first place, the man libelled went voluntarily into the Court; in the second place the question of libel and of felony as connected with libel was tried by a jury; and, in the third place, the question at issue was the mere failing of a man in his action, whereas here it was his being divorced from his wife.

MR. WIGRAM was understood to say that in the case suggested by the hon. and learned Attorney General, of a man charged with an unnatural offence absconding from justice, the wife would obtain by his flight all the remedy she desired.

LORD LOVAINE said, he thought it would be extremely unfair to bring an accused person into a court before which he might not have the means of proving his innocence.

MR. PULLER said, he wished to ask whether it would not serve the purpose of the hon. and learned Member for Cambridge University, instead of requiring that the different offences enumerated in the clause should be established in a Criminal Court, to have them tried by a jury in the Court of Divorce in the same way as the question of adultery was proposed to be decided.

MR. HENLEY said, the Committee had only a choice of difficulties, and, for his own part, he thought that the least inconvenient course would be to require a previous conviction in a Criminal Court.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 68; Noes 103: Majority 35.

MR. COLLINS said, he would now propose to insert words to allow a wife to obtain a divorce in a case of murder or manslaughter, coupled with adultery, committed by her husband. The offence might be the murder of the man's paramour, and if after conviction for the murder the sentence should be commuted, he thought the wife should be allowed a divorce from such a man.

The Amendment put, and *negatived.*

MR. DRUMMOND said, he rose to propose an Amendment to extend the powers of the Court. He said that the House of Lords, acting in a more enlarged way than the Court now constituted could act, had the power, and on many occasions had exercised it, to judge equitably in respect to the cases brought before it. The word he proposed to introduce into the clause as a ground of divorce was the word "cruelty," unattended by any other circumstance. They must remember that women were not heard in that House, and he believed it was universal throughout all jurisprudence to challenge the Court, where there was any manifest unjust bias. Now, that House was a court of men judging women according to their own estimate and for their own purposes. He now called on them to do justice to a suffering class, whose sufferings they did not know, because, as with those who suffered in the Inquisition, those who knew their sufferings were interested in concealing them. They might think that they had done much in protecting women against the brutal violence of drunken husbands, but there were much more serious lacerations of heart which took place in the higher regions. When the discussions on the slave trade were going on not one West India planter ever gave his vote in favour of the slaves, nor did any Member for a town—such as Bristol or Liverpool—interested in the slave trade ever do anything but vote against Abolition. So it was in the present case, and the Members of that House were very much in the situation of Turks legislating for the inhabitants of the seraglio. He would not let the matter, which he had undertaken, rest on empty assertion, but would quote instances drawn, not from the line of life whence, as on former occasions, his examples were drawn, but from Grosvenor Square and Belgravia. Those instances would show what women had to endure, and how the law afforded them redress, and he trusted, therefore, that the powers of this new Court would be extended. The first case was that of a young lady married to a gentleman who was heir to a large fortune, though at first he had a small income. Within a year or two after their marriage he had three mistresses living in three different houses in this town. With one or other of them he generally supped, and often came home intoxicated, when his servant undressed him and carried him into his wife's bedroom. She begged to be allowed to sleep in another room, but he said he would then bring home one of his mistresses to live in the house. For her children's sake she submitted to this treatment for nearly twenty years, when he died. During his life her health was twice injured by her husband's profligacy, and when her sons were about fourteen years of age her husband took them constantly to visit his mistresses. Another instance was that of a lady of a peculiarly meek, timid, and gentle disposition. She was married to a man who for no assignable reason took a dislike to her. Her love was then wholly concentrated on her children, and her husband, knowing that she would endure anything for their sake, treated her with systematic hardship and neglect. He locked her up in her bedroom, kept her destitute of money, and at length drove her mad. Under the kind treatment she experienced in a lunatic asylum she recovered, and being desirous of embracing her children, she returned to her house, was met at the door by her husband, who denied her admission. Her reason again gave way, and next morning her dead body was found in the sedges of a neighbouring pond. The dictum of a namesake of his (Mr. Drummond)—that property had its duties as well as its rights—had passed into a sort of household word; and, if one property more than another had its duties as well as its rights it was the property of power. Everywhere since the world began, power where it had been great and uncontrolled, had been used not for the blessing, but for the curse of mankind. In emperors, from the time of the

Cæsars down to the modern emperors of Russia, Austria, and France. In public bodies, as may be seen in the conduct of the priests throughout the middle ages, in Italy, Spain, and South America; among popular assemblies—witness for example the popular assembly in France—the fact was the same; and now the House of Commons, composed of men, and having the absolute control over women, refused to give to women the right which they claim for themselves. He moved the Amendment which the Chairman had in his hands.

Amendment proposed in the same line. To leave out from the words "or of" to the word "destruction" in line ten in order to insert the words "cruelty or of."

Question proposed, That the words "adultery coupled with cruelty" stand part of the clause.

Sir GEORGE GREY said, he would express a hope that the Committee would not agree to the Amendment, because it would introduce an entirely new principle into the law of divorce. The cases which had been cited by the hon. Member for West Surrey were new to him, but certainly one of them was one of flagrant and repeated adultery, which the clause as it stood would meet.

Mr. GLADSTONE said, that when this question should be discussed hereafter, when this measure should have borne its fruits, and when the public mind should be more enlightened, it would be difficult probably to resist the Amendment of his hon. Friend the Member for West Surrey. The opinion had often been expressed, that if the dissolubility of marriage were once admitted in certain cases it would be impossible to find any broad ground on which they could take their stand against further invasion. That, indeed, was the current opinion, but he had striven to impress upon the mind of the Committee that they ought not to place too much confidence in temporary and local opinion, but that they ought to elevate their vision, and to take less contracted views of the operations of the human mind than they were apt to do from a defect, he feared, inherent in their natural disposition—a defect which prevented their assuming the existence of anything in heaven or earth except that which chanced to be dreamt of in their philosophy, and which made them imagine that what they knew in their sphere comprehended all in God's universe, and that the notions current among themselves afforded grounds for permanent and durable legislation. He protested earnestly against that doctrine. He had warned, and he would again warn, the Committee against the undue confidence which it seemed inclined to repose in the fashionable opinions of the day, and he claimed that they should found there legislation upon the basis of a wide experience. What stronger proof could there be found that we were not in a fit state to legislate on the subject than the fact that when a learned person thought fit to prepare an account of the law in twelve foreign countries, and presented his book to the House of Lords many months ago, that book had not been supplied to Members of the House of Commons, except to a favoured few, and to this moment he believed that no member of the Government had looked into it. Such was the way in which they were dealing with this great question. He did not think that in this instance it would be inconsistent with the principle, upon which he had protested against the second reading, were he to join with his hon. Friend in the introduction of a complete new category of causes for which divorce should be granted. Entertaining, however, gloomy thoughts as to the effect of this Bill he did not wish to accelerate the fulfilment of his predictions; and although he agreed with his hon. Friend that there were causes in which the misconduct of a husband to a wife—tyranny and cruelty, for example—laid the ground for a divorce, such as it was, yet he could not join in the introduction of this new chapter into the history of such cases. He did not think that the principle which his hon. Friend proposed to introduce was called for by the country, and he feared that while appearing to do an act of humanity in particular instances, and grant relief in a few isolated cases, they would, if they agreed to the Amendment, inflict a new and a deep injury upon the interests of those whose welfare they were so anxious to promote.

Mr. BUXTON said, he wished to explain that on a former occasion, although he had been apparently misunderstood, he had intended to say that the distinction drawn in the Bill was not an arbitrary distinction of the Attorney General's, but a distinction drawn by nature. Without strong ground, he should not feel satisfied in drawing an artificial line between the rights of men and the rights of women.

Amendment put, and *negatived.*

MR. HENLEY said, he wished to ask for a legal definition of the term "desertion."

LORD JOHN MANNERS asked for a similar definition of the phrase "without reasonable excuse." Would the word desertion include constrained absence under a criminal sentence?

THE CHAIRMAN said, he must remind the Committee that there was no Motion before the Chair.

MR. HENLEY said, that to put himself in order, he would move as an Amendment the omission of the word "desertion."

Another Amendment proposed—To leave out the word "desertion."

Question proposed—That the word "desertion" stand part of the clause.

THE ATTORNEY GENERAL said, he should have thought the right hon. Gentleman, who in his capacity of magistrate must have made many orders upon husbands for the support of wives deserted by them, would have been perfectly acquainted with the meaning of the word. The word as used in the Bill admitted in plain intelligible interpretation. When a man had altogether left his wife and children, not simply refusing to cohabit, but quitting his house with no intention of returning—this was desertion. It had, he believed, in a case which had come before the House of Lords been called abandonment. Of course such a construction of the word excluded temporary or constrained absence. With regard to the question of the noble Lord whether constrained absence, under a criminal sentence, involved desertion, his reply would be certainly not. Desertion implied voluntary abandonment.

LORD LOVAINE said, he would beg to ask whether a wife, whose husband, condemned to penal servitude, did not return at the expiration of his sentence, would be allowed to contract a second marriage on the score of desertion?

THE ATTORNEY GENERAL said that, supposing a man to have been transported, to have completed his sentence, and not to have returned home or been heard of for two years afterwards, the wife would be entitled to marry again.

MR. HENLEY said, that a man might live in Belgrave Square, and keep a mistress in Dorset Square. During the time specified in the Bill he might sleep half a dozen times in his own house. Would that constitute desertion?

THE ATTORNEY GENERAL said, it would not.

MR. AYRTON said, that no difficulty had existed under the existing law where desertion was regulated by the maintenance of the wife by the husband; but as soon as that rule was altered, and they were remitted to the question of simple desertion he saw no end to the difficulties which would arise in the construction of that word. If desertion, coupled with adultery, was to be a ground for divorce, such desertion should be an absolute separation brought about by the criminal conduct of the husband. He did not think the word "desertion" was clearly defined. For instance—if a husband, still keeping up his house in England, went to live in Paris, and there committed an act of adultery after two years' absence, was this to be considered adultery coupled with desertion?

MR. GLADSTONE said, he believed he could trace in the last answer of the Attorney General that mistrust of the phraseology of the Bill which he exhibited whenever he came to any portion of it which had been drawn up by a noble and learned Lord. He (Mr. Gladstone) thought they were involved in considerable difficulty with regard to this matter of desertion. It had been very pertinently asked what was the use of the words "without reasonable excuse" as they stood connected with the word "desertion"? Surely the word "desertion" of itself was sufficient, for if there were reasonable excuse for the absence of the husband how could there be any desertion? He was doubtful, he owned, not only as to the mode in which the procedure under the Bill would work, but as to the result of that working. His right hon. Friend the Member for Oxfordshire had put the case of a gentleman having a house in Belgrave Square, where his wife resided, and where he paid rent, taxes, and kept up a large establishment; this gentleman also kept a mistress in Dorset Square, and never visited Belgrave Square half a dozen times in two years. To this case the Attorney General replied, that it would not be desertion. But he (Mr. Gladstone) would put a still stronger case. Suppose he never went to Belgrave Square at all, but his wife lived there, and he kept a full establishment—would that be desertion? [MR. BUTT: No.] He protested, then, he did not know what else it could be termed. His hon. and learned Friend the Attorney General had been asked to give a definition of the word desertion, and his answer was—a man who had ceased to live with his wife, and had no intention of returning. But in the case he had supposed, surely the man who never went to the House in which his wife dwelt, must be held to have deserted her; he had no intention of returning to Belgrave Square. The definition of the Attorney General, therefore, entirely broke down. Then, with regard to a class of persons in the humbler ranks of life—the sailors in the commercial navy. There was no class amongst whom marriage was in so loose and unstable a state — no class which would give more food to hungry attorneys. Was the *onus* of proof of an intention to desert to be thrown upon the wife in case of her husband having gone abroad and not returned within the period mentioned in the Bill? It frequently happened that a sailor remained abroad upwards of two years for a legitimate cause. How was it possible that in such cases the wife could establish a case of desertion? The Committee were entirely in the dark as to the probable operation of that part of the clause relating to desertion.

Mr. LYGON suggested that if the hon. and learned Attorney General referred to the code of Holland, which enacted that in case of a malicious desertion of five years divorce might be obtained, he might be able to frame a clause which would be more satisfactory to the Committee.

Mr. GLADSTONE: I ask my hon. and learned Friend the Attorney General whether he has considered that?

The ATTORNEY GENERAL said, that in regard to desertion, the Court would judge of the *animus* of the party from the overt act. The essence of the crime consisted in the intention of the person committing it. Whether the absent husband communicated with the wife, or sent money for her support, was a matter that could be easily ascertained.

Mr. CLAY observed, that he thought the Committee had been occupied for hours in the profitless task of splitting straws. He could hardly conceive a case in which a man of ordinary sense could not readily pronounce whether or not there had been desertion. The case put by the right hon. Gentleman the Member for Oxford University, judged by the rules of common sense, and he believed also by the principles of law, would be clearly one of desertion.

Lord JOHN MANNERS denied that it was a waste of time to endeavour to comprehend the legal meaning of their own legislation. It would be a great injustice to refuse to a woman whose husband had not only committed adultery, but also some great crime which caused him to be transported for life, that relief which was to be granted to wives in cases that were far less aggravated. Yet that would be the effect of the construction put upon the clause by so high an authority as the hon. and learned Attorney General.

Sir DENHAM NORREYS said he entertained the same opinion as the hon. Member for Hull (Mr. Clay) that in disputing about words they were losing sight of the substance. How could it be said that a man who lived in another house with a mistress, and habitually remained away from his wife, had not committed desertion? But, perhaps, it would be better to say at once that the wife should have a remedy whenever the husband had been guilty of open and notorious adultery.

Lord LOVAINE said, that the plan of the hon. Baronet might save trouble, but it was not exactly the proper way to legislate. The complaint, however, was most unjust, that an over-anxiety was manifested to obtain an interpretation of "desertion." It would be most undignified to expect Judges to interpret words to which the Legislature avowedly could not assign a meaning.

Sir WILLIAM HEATHCOTE said, he was quite willing that the view of the hon. Member for Mallow (Sir D. Norreys) should be acted upon, and that open adultery should be held to be desertion. The limitations introduced into this clause were none of theirs (the Opposition); but, if those limitations were insisted on, it was only reasonable that they should have a definite signification.

Mr. GLADSTONE remarked, he believed it had been truly affirmed that the Committee had been asked to adopt words of which they did not know the meaning. It was not his doctrine that the case he had put was one of desertion. A number of hon. and learned Members declared decisively that it would not be desertion, but the hon. Member for Hull, with more than usual boldness, said that common sense and the Courts of law would alike declare that it was a case of desertion. He always suspected his hon. and learned Friend the Attorney General when he shifted his ground. [The Attorney General: I did not shift my ground.] That was matter for argument. He began with a definition of desertion, which he defined to be "when a man had ceased to live with his wife, and had no intention of returning." But when the lawyers agreed that no case of desertion could be proved on this definition of desertion, his hon. and learned Friend did not return to his definition, but said the Courts would be guided by the *animus deserendi.* But what was the meaning of the word *deserendi?* That difficulty still remained, and constituted the very point they were endeavouring to ascertain, for no Member of the Government had yet been able to give a satisfactory definition of it. The clause as it stood was not intelligible, and he hoped that his right hon. Friend (Mr. Henley) would not make himself responsible for the wording of the clause, the responsibility of which properly belonged to the Government, but would persist in his negative, not for the purpose of defeating the object of the clause, which he (Mr. Gladstone) would admit was a good one, but for the purpose of compelling the Government to put that object in intelligible language. The fact was that Parliament was asked to pass Bills with haste and precipitancy at the end of the Session, to make up the tale when it was shorter than usual, and the acts so passed went into the Courts of Law with great disparagement to the reputation of Parliament, which was in the following Session asked to amend them.

Mr. HENLEY said, he had great difficulty in making up his mind, after the opinions that had been expressed upon the meaning of the word desertion, whether his Amendment would be of any advantage to the woman. He should there consent to the withdrawal of his Amendment.

Amendment by leave *withdrawn.*

Sir DENHAM NORREYS said, he would now propose to strike out the words, "for two years and upwards." His object was to leave it to the Courts to decide whether the desertion had been of such a character as to justify the claim of the wife.

Another Amendment proposed in the same line, To leave out the words, "for two years or upwards-"

Question proposed, That those words stand part of the clause.

Mr. CLAY said, he wished to explain that what he had said was that common sense would call the case put by the right hon. Gentleman (Mr. Gladstone) one of desertion, and that he believed the Courts of Law would agree in that decision.

The ATTORNEY GENERAL said, he hoped that the Committee would not agree to the Amendment of the hon. Member for Mallow. In the codes of all countries some term was always mentioned in defining desertion. If the words "two years or upwards" were struck out, the woman might be baffled, for the Courts would be unable to determine whether there had been such an abandonment as to show that no *animus revertendi* existed. He believed that the period of two years was taken from the French code.

Question put, and *agreed to.*

Mr. BUTT said, he now rose to move the insertion, at the end of line ten, of the words, "or of adultery coupled with aggravated ill-treatment of the wife, of such a nature as ought, in the opinion of the Court, to entitle her to such divorce." The object which he had in view in proposing the Amendment was to prevent the possibility of the wife being placed under the operation of the clause, as it stood, in a worse position when suffering from the cruelty of her husband, than that in which she was placed by the existing law. There was, he added, no principle better established in the procedure of the House of Lords than that acting upon which the other branch of the Legislature deemed itself justified in refusing to the husband, who was proved to have neglected or ill-treated his wife, the remedy of divorce, notwithstanding that the infidelity of the wife might have been beyond all doubt established. That principle the House of Lords applied as it thought right to the varying circumstances of the several cases that came before it for decision, but the Bill under discussion sought to establish a new tribunal for the granting of divorces, which would be bound by fixed and unchangeable rules, and which would not have it in its power therefore to exercise that discretion in carrying out the principle to which he had adverted, which the House of Lords possessed. He recollected a case of a suit for divorce in which the guilt and degradation of the wife had been clearly proved, but in which she had succeeded in establishing that early in their married life her husband had abandoned her to seek his fortune in another country, and, instead of joining her upon his return to his native land, had left her in a state of poverty and destitution, and had sought a divorce from her only when he found that her conduct might bring degradation upon himself. Well, in that case, Lord Lyndhurst, while admitting that all the allegations which had been brought against the unhappy woman were true, had pronounced the husband to be morally responsible for her degradation, and the consequence was that she had been able to quit the House of Lords, exclaiming in the face of her husband "I am still your lawful wife." Such was the principle upon which the other House of Parliament proceeded. The whole current of legislation in recent days, in fact, demonstrated that there existed a leaning to extend the remedy of the wife to cases which had not previously been contemplated by our laws; and it was in order to uphold that principle that he proposed that in every instance in which the crime of adultery had been proved against the husband, combined with aggravated ill-treatment of the wife, then the new Court should be empowered, but not compelled, to grant a divorce.

Amendment proposed, at the end of line 10, to insert the words "or of adultery coupled with aggravated ill-treatment of such a nature as ought, in the opinion of the Court, to entitle her to such divorce."

MR. LYGON said, he thought the sincere thanks of the Committee were due to the hon. and learned Member for Youghal for having raised this question. He believed, however, that the object of the hon. Gentleman's Amendment would be better effected by inserting the words "adultery with aggravated circumstances." They would thus avoid the iron rule prescribed by the clause as it stood, and retain that elasticity as to the power of relief which at present obtained. He might be permitted to remind the Committee that three ex-Lord Chancellors had come to the opinion that it was unreasonable not to place the wife upon a perfect equality with the husband in the matter of divorce. So much, therefore, for the judicial decisions of the House of Lords, upon which the present law was said to rest. He should move, then, at the end of line ten to insert these words, after "adultery," with aggravated circumstances."

Amendment proposed to the proposed Amendment—

To leave out from the word adultery to the end of the proposed Amendment in order to add the words "attended with aggravated circumstances."

Question proposed, That the words proposed to be left out stand part of the Amendment.

THE ATTORNEY GENERAL said, he had some difficulty in reconciling the speech of the hon. and learned Member for Youghal with his Amendment. The case which he put was that of a husband not open to the charge of adultery himself, or of being accessory to the adultery of his wife, but who, having deprived her of the advantages arising from his wealth, and reduced her to poverty, was in some degree the cause of her degradation. Such a case as this he had stated as a reason for the Amendment which he now proposed to the House, that Amendment being "adultery coupled with aggravated ill-treatment" as causes which should entitle the wife to a divorce. This was introducing a new title to divorce in favour of the wife; for it introduced adultery, and not adultery alone, but adultery aggravated by ill-treatment. But in the case on which the hon. and learned Member rested his argument there was no adultery, but simply what he described as ill-treatment. Then the hon. Member opposite (Mr. Lygon) not exactly satisfied with the words proposed by the hon. and learned Member for Youghal—feeling probably that the words aggravated ill-treatment were neither very intelligible or very euphonious—suggested that the terms should be "adultery coupled with aggravated circumstances." Now, the question to be decided was, whether they should have in the Bill an enumeration of the particular instances forming the grounds of divorce granted to the wife against the husband, or whether they would have one general, sweeping, indefinite clause which would give the Court power to grant divorce to the wife whenever there were such circumstances of ill-treatment, added to adultery, as they thought warranted such a decision. If they resolved to have a general sweeping clause of this kind, then all the specific grounds for divorce against the husband which they had been laying down became perfectly useless. If it was to be decided that the Court should have power to give divorce to the wife against the husband where there was adultery accompanied with circumstances of ill-treatment—if a sweeping clause like that were to be introduced—it ought to have been done a long while ago, and so saved the House the trouble of the long contest which had taken place, while specifying particular grounds of divorce. He was not prepared to accede to the proposal of his hon. and learned Friend, which was, indeed, the same in principle with that decided the other evening, when the hon. Member for

Surrey moved the omission of the word incestuous from the clause. He repeated that, if carried, the Amendment would entitle a woman to obtain a divorce against her husband without reference to those specific accompaniments of adultery which the House, at the expense of much time and debate, had agreed to. It would make the rule as to divorce on the part of the woman altogether too elastic, for different Judges would be found interpreting circumstances very differently, and thus the law would become undefined, and made to depend upon the discretion of a Judge.

Sir WILLIAM HEATHCOTE said, he differed entirely from the view taken by the hon. and learned Attorney General. He thought the question before them—even accepting the decision on the Motion of the hon. Member for Surrey as decisive against putting the woman in the same position as the man—was, ought they not to approximate towards giving the woman some protection and more of an equality with man? This they had done up to that point. It was admitted that if there were circumstances which showed something more than a mere act of adultery on the part of the husband—something beyond a passing demonstration of an alienation of his affections—they ought to give the wife rights which would otherwise be denied to her. Acting in that view, then, the hon. Member for Youghal (Mr. Butt) proposed to give the Court an opportunity of taking cognisance of those innumerable circumstances which tend to make up a case impossible of definition within the corners of an Act of Parliament. Every one allowed that they were obliged to leave behind them cases of the greatest enormity from want of the necessary procedure for giving redress to the wife. Then, if that were so, it was only reasonable to give the Court the liberty of action proposed by this Amendment.

Mr. MALINS said, he concurred entirely in the views expressed by the Attorney General. He considered that as the Committee had already decided that there should be a difference as to the offence of adultery committed by the man and the woman, it would not be consistent to leave to any Court of Justice the discretion to decide what was the aggravated ill-treatment which would enable the wife to bring herself on terms of equality; and, moreover, it was such a discretion as he was not prepared to commit to any tribunal. Besides, the Amendments ought to have

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been brought forward earlier in the evening, for if either of these were adopted the Committee would have been wasting time most miserably in previous discussions.

Mr. NEWDEGATE said, he must be allowed to observe, notwithstanding what had been so frequently alleged, that this Bill made a material difference in the position of men as to the attainment of divorce, for it gave them a more absolute right in the matter than they had ever possessed before. And, as had been stated by the hon. and learned Member for Youghal (Mr. Butt) it gave them that right without the intervention of that discretion hitherto exercised by the House of Lords. Well, it was said that all their lengthy discussions would go for nothing if the present Amendment were accepted. Now, as far as their discussions were concerned, he argued from their great length that the majority of the Committee were not satisfied with the limitation given in the Bill to the claims of woman. He took it, then, that there were great doubts as to whether they had gone far enough in admitting their claims. As to himself, he unfeignedly pronounced this to be a most cowardly Bill: for if he was capable of interpreting the fundamental principle of the English law, it was directed to protect the weak against the strong, while this Bill refused to give the redress to the weak which it gave to the strong. Learned lawyers might, indeed, discover difficulties which were not apparent to his sense of justice in the way of such an arrangement, but his belief in the necessity of a discretionary power being vested with the Court was so strong that if his hon. Friend the Member for Tewkesbury (Mr. Lygon) pressed his Motion to a division, it should receive his support. He was sorry to say he himself knew of cases where husbands maintained mistresses immediately opposite to the houses where their wives resided, and he, therefore, for one should be most unwilling to refuse in such cases the relief now demanded.

Mr. NAPIER said, he thought there was not sufficient definition in the term "aggravated;" and that it would leave too much to the whim of the Judge, or as it was sometimes called, his discretion. The Commission pointed to that consequence; and though at first he was inclined to put the woman and the man upon terms of equality, it left so much to the Judge that he could not support the Amendment.

Mr. LYGON said, that as there was no substantial difference between his Amendment and that of the hon. and learned Member for Youghal, he would beg leave to withdraw his own.

Amendment to the proposed Amendment by leave *withdrawn.*

Mr. BUTT replied: The word "aggravated," in this case, meant special circumstances; and he had no hesitation whatever in leaving all such cases to the discretion of the Judge. The only choice of the Committee was to exclude a number of cases of the grossest character by insisting on strict definition, or to accept his Amendment, which left the cases in question to the discretion of the Judge. He intended to press his Amendment, therefore, to a division.

Question put, "That those words be there inserted."

The Committee *divided.*

One of the Tellers reported, that an honourable Member, Mr. William Henry Denison, who had been in the House when the Question was put, had not voted; whereupon the Chairman directed Mr. Denison to come to the Table, and asked him whether he had heard the Question put, and being answered in the negative, the Chairman again stated the Question, and Mr. Denison declared himself with the Ayes.

Whereupon the Tellers reported the numbers—Ayes 44; Noes 137: Majority 93.

Mr. COX said, that having been ten hours engaged on the Bill he should move that the Chairman report progress.

The ATTORNEY GENERAL said, that there were no other Amendments to the clause, and if they would agree to it he should not object to reporting progress.

Mr. GLADSTONE said, that there were other Amendments to the clause.

Sir WILLIAM HEATHCOTE said, he also thought that there were other Amendments, and, moreover, he would remind the hon. and learned Attorney General he had promised to give a definition of the word "bigamy," which occurred in the proviso, and which was important.

The ATTORNEY GENERAL said, that the definition of the word "bigamy" would come in much better in the interpretation clause, and he undertook that it should be given there if the Committee would favour him so far as to dispose of this clause.

Mr. GLADSTONE observed, that it was past twelve o'clock, that they had been upwards of ten hours engaged in discussing this Bill, and that several hon. Members had left the House in a state of complete exhaustion. He must, therefore, decline to discuss at that late hour the question whether the definition should be added to this clause, or included in the interpretation clause. He thought there had been extraordinary neglect and carelessness on the part of the Government with regard to this Bill. [*Cries of* "Oh!"] He repeated the assertion. A paper with respect to foreign codes had that morning been placed in the hands of hon. Members which bore most vitally on the subject they were now discussing. It had some time previously been laid on the table of the House of Lords, and he said again that the delay in its presentation to that House exhibited a degree of carelessness to which he recollected no parallel. He thought that under these circumstances it was impossible to continue the present discussion.

Viscount PALMERSTON: I certainly congratulate the opponents of this Bill on the success with which they have, for ten hours, contrived to exercise their ingenuity upon three lines of a clause. If they will allow me, however, I beg to inform them that we shall return and sit here day by day, and night by night, until this Bill be concluded. Other persons, I think, when they see the course of our proceedings, may entertain opinions not very favourable to those who oppose the progress of this Bill. It will be for them to consider how far their conduct will meet with general approbation. I should certainly have resisted the proposition for an adjournment, and should have urged the Committee at least to go through this clause, but for consideration to the professional engagements of my hon. and learned Friend the Attorney General, who will be required at an early hour to-morrow to be present in the House of Lords. Out of consideration to him, therefore, and not at all out of consideration to the opponents of the Bill, I shall not oppose the Motion for adjournment.

Mr. GLADSTONE: This is not the first time that my noble Friend has given me occasion to perceive that he emancipates himself from certain rules which are ordinarily incumbent upon hon. Members of this House. [*Cries of* "Oh, oh!"] I repeat it—this is not the first occasion on which my noble Friend has emancipated himself from those rules which are ordinarily incumbent upon hon. Members of this House, and on which, confident in his majority, he assumes to himself the liberty of using language to other hon. Members of this House which I will venture to say is entirely without precedent—["Oh!"] —yes, without precedent so far as my recollection of twenty-five years in Parliament can go—in the conduct of former leaders of this House. It is the first time that I have heard the leader of this House rise in his place, after ten hours' discussion upon a single subject, and find fault with those who have been endeavouring to repair the grievous and manifold errors of his Bill, as if they had been interposing obstructions; and it is the first time that I have heard the leader of this House, on consenting that the Chairman should report progress, take care to inform those from whom he differed, and on whom he is laying a physical burden as great as their powers will bear, that he consents to it, forsooth, out of deference to the Attorney General, but in no degree out of consideration to the Members of this House. Now, I will meet my noble Friend by no retort of language, by no epithet such as, perhaps, in a moment of temper, I might be inclined to apply. I have heard those observations of my noble Friend, however, with the greatest pain; and this is not the first occasion upon which I have experienced the same feeling. So thankful am I for the liberty of speech permitted to minorities in this House, and happily not subject to be taken from us by any arbitrary will, that taunts like those proceeding somewhat too often from a portion of the Treasury bench will not ruffle my temper. I put it seriously to my noble Friend, to those who support him, and the House generally, to say what has been the character of the discussion upon this Bill. Have not three-fourths of the time that we have occupied in Committee been occupied in urging propositions to which at length Her Majesty's Government, notwithstanding their opposition in the first instance, have been forced to give way? We began business this morning with an Amendment of the noble Lord the Member for North Leicestershire (Lord John Manners), which for two hours and a half was stiffly resisted by the Attorney General; but at last, such was the feeling in its favour, that my noble Friend, with that acute instinct which enables him to discern the signs of the coming defeat, conceded the point. Is it fair and just after this, and when our discussions have usually terminated by our gaining the points we have pressed, to say that factious obstruction is the character of those discussions? I say that the whole proceeding of my noble Friend is entirely unprecedented. No doubt, in the course he is taking, he is adopting a conscientious construction of what he believes to be public duty. I hope he will make similar allowances for those who are opposed to him. I believe we are acting strictly in the discharge of our duty when we oppose one of the worst and most carelessly drawn Bills on a subject of the greatest importance I have ever seen submitted to this House; and I am quite prepared to leave the judgment to be passed on our respective proceedings to the public out of doors.

VISCOUNT PALMERSTON: Whether, in the words which have just passed, my right hon. Friend or I have shown the greatest amount of temper, I will leave others to decide. I only beg to say that I used no epithets. I did not employ the word "factious." Perhaps, indeed, when the House recollects that, in a former part of this ten hours' sitting, my right hon. Friend informed me that he was determined we should not carry the Bill until the Greek Kalends, I might have used something like the expression which my right hon. Friend imputed to me. But I did not do so. As to the complaint he makes, I do not conceive I am departing in any way from the rules of the House in the step I have taken. The natural course would have been, in such a case as this, for the leader of the House to have resisted a Motion of adjournment, when there remained only a few lines of a clause with regard to which no Amendment was to be proposed. The natural course would have been to ask the Committee to affirm that they would not report progress. I stated that, in acceding to the adjournment, I did so not out of deference to any arguments urged by those who opposed the Bill, but out of consideration to my hon. and learned Friend and the professional engagements which he has to fulfil; and, in doing so, I believe I was acting strictly in accordance with the rules and practice of the House.

MR. HENLEY said, the noble Lord was not quite correct in saying that there remained no Amendment to be disposed of on this clause. It was certainly expected that the definition of a word would be added to the three remaining lines which the Attorney General now said he was desirous of adding in a general interpretation clause.

MR. WIGRAM said, he thought the noble Lord's complaint of the conduct of the opponents of the Bill came at rather an unfortunate time, just after the Opposition side of the House had assisted the Government to carry out their views, and had obtained for them a majority of three to one. It was not to be expected that the opponents of the Bill should, by any protest on the part of the Government, be prevented from giving it a careful and adequate consideration.

SIR FITZROY KELLY said, the word "bigamy" in this clause would require a very lengthened discussion to set its meaning right.

MR. GLADSTONE: Perhaps the Committee will allow me to offer one word of explanation. My noble Friend, as I now understand, says it was not out of consideration "for the arguments" of the opponents of the Bill that he acceded to the adjournment. My belief was that he said it was not out of consideration for his opponents. If, however, it was not out of consideration for their arguments, I have not a word of complaint to make of that phrase, and I beg my noble Friend to consider unsaid what fell from me on this subject.

VISCOUNT PALMERSTON: What I meant was, that I acceded to the adjournment not out of consideration for "the wishes" of the opponents of this measure.

House resumed. Committee report progress; to sit again *To-morrow*, at Twelve o'clock.

CHARITABLE TRUSTS ACT CONTINUANCE BILL.—SECOND READING.

Order for Second Reading read.

MR. BAINES, in moving the second reading of this Bill, said that, in fulfilment of the promise which he made last Session, a Bill was introduced in the other House this Session for the purpose of making permanent regulations with respect to the administration of the Roman Catholic Charities in this country, which Charities, owing to the peculiar conditions attached thereto, were exempted from the general law relating to Charities passed in 1853. Since that time, short Bills had been passed from year to year to exempt the Roman Catholic Charities, until a satisfactory permanent measure could be framed with regard to them. The Bill introduced this year was referred by the other House to a Select Committee, who reported that, in consequence of important questions having been brought before them, there was not sufficient time this Session to frame a permanent measure, and they therefore recommended that another short Bill should be passed to continue the exemption till next year. This Bill had been accordingly introduced for that purpose.

MR. NEWDEGATE said, he fully agreed that it was highly expedient that some measure with respect to Roman Catholic Charities should be passed.

Bill read 2°, and *committed* for *To-morrow.*

PROBATES AND LETTERS OF ADMINISTRATION (IRELAND).—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 14 *agreed to.*

Clause 15.

MR. NAPIER said, he wished to call attention to the case of the retiring salary of the Judge of the Court, and to suggest that, whenever that Judge retired, he should have his present full salary.

MR. J. D. FITZGERALD said, the salary of the Judge in question had been increased to £3,500 a year, and he was placed in the position of a puisne Judge.

MR. BUTT remarked, that the worst economy the nation could practise was economy in the retiring salaries of Judges.

Clause *postponed.*

Remaining clauses *agreed to.*

House resumed. Committee report progress; to sit again *To-morrow.*

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, August 14, 1857.

MINUTES.] 1ª Revising Barristers, (Dublin.)
2ª Ecclesiastical Commission.
3ª Bankruptcy and Insolvency (Ireland); Valuation of Lands (Scotland) Act Amendment; New Zealand Loan Guarantee; New Zealand Company's Claims; New Zealand Government Act Amendment.

DELAYS IN CHANCERY.—PETITION OF JAMES LORD.

LORD ST. LEONARDS presented a petition from James Lord, Esquire, complaining of the expense of proceedings in the Court of Chancery. The petitioner stated that a suit, connected with an estate in which he was interested, had been pending in the Court of Chancery since 1833, and had not yet been decided. The noble Lord expressed a hope that the Lord Chancellor would cause some inquiry to be made into the allegations of the petition.

The LORD CHANCELLOR said, this was the first time he had heard of the case to which the petition referred. He might observe, however, that the Court of Chancery was often subjected to blame when the fault rested with the suitors themselves, who did not choose to stir, and to whom the Court was consequently unable to afford any remedy. He did not believe the general business of the Court of Chancery had ever been in a more satisfactory state than at the present time; and he said this with the more confidence, because he took very little of the merit to himself, the business being disposed of by the Vice Chancellor and the Master of the Rolls. When he was a practitioner in the court, there used to be, for years, hundreds of cases in arrear; but that was not so now. [Lord St. Leonards: You have a greater number of Judges.] No doubt, if there were not so many Judges, the business would not be in so forward a state; but the appeals he had heard during the present year had generally been appeals against decrees which had only been made six weeks or two months previously. He believed that, although there was no deficiency in the number of Judges, there was a deficiency in the official staff of those Judges, and he thought it would be absolutely necessary to provide for the increase of that staff. He would take care that the statements of the petition presented by his noble and learned Friend were inquired into.

Lord ST. LEONARDS thought great caution would be necessary in increasing the staff of officers, because, if they overloaded the staff in chambers, they would, he feared, to some extent add to the evils which at present existed.

WILLS, &c., OF BRITISH SUBJECTS ABROAD.—OBSERVATIONS.

Lord ST. LEONARDS proceeded to say, he observed that his noble and learned Friend on the cross benches (Lord Wensleydale) had last night called attention to the subject of wills executed by British subjects abroad; and he understood his noble and learned Friend had suggested that such persons should execute two wills, one according to the English law, and the other according to the law of the foreign State in which they were resident. If, however, they were to be governed by the law of domicile, an English subject domiciled in France must not merely execute a will in the form required by the French law, but its substance must agree with the French law. As the French law did not admit of so liberal a disposition of property as the English law, an Englishman resident in France might make two wills—one according to the French, and the other according to the English law—and it might be found that it was impossible to carry into effect the disposition of his property. The subject, he thought, ought to be a portion of the law of nations, and not, as in France for instance, regulated by the municipal law. He expressed a hope that the Government would turn their attention to this subject during the recess, with the view of preparing some proper measure to be submitted to Parliament.

Lord CAMPBELL also hoped that there would be some legislation on the subject. He felt some interest in the matter; for, though he had studied the law of domicile for forty years, he hardly knew in what country he was domiciled. If he went to Ireland, where he had some little property, it might be said he was domiciled there; and it was desirable that some real palpable rule should be laid down with respect to the subject.

The LORD CHANCELLOR pointed out that the great difficulty in respect to domicile was one which arose, not in regard to the law, but as to fact; whether the sojourner took up his abode *animo revertendi*, or *sine animo revertendi*. It was, he thought, rather a questionable maxim, *mobilia sequunter personam*. It might have been very applicable when the *mobilia* consisted of a man's clothes or his watch, but it was altogther extravagant to apply it to £10,000 worth of railway shares, merely because the English law declared that description of property personal property. He admitted that when Sir FitzRoy Kelly first broached the subject to him, the whole of the difficulties did not strike his mind; but since he had considered the question, so many fresh ones arose, that he thought, at present at all events, that any alterations in the law would be productive of more evil than good.

INDIA.—THE MILITIA.

The Earl of ELLENBOROUGH: I can hardly think that a discussion with respect to domicile, however important, is one of that urgent character which your Lordships had in contemplation when you allowed a quarter of an hour after five o'clock to be appropriated for the purpose of putting questions and making observations on matters which do more especially bear the character of emergency; and at the present moment I think your Lordships are rather more interested by the news we have received from India. Therefore I trust that, though a few minutes have elapsed since the quarter past five o'clock, I may be permitted to put a question to the Secretary for War, which I was unable to put when the Militia Bill passed through the House. What I want particularly to know is what application he intends to make of the £200,000 voted by the House of Commons, on the Motion of the hon. Baronet, the Under Secretary for War, for the embodiment of the militia? I may be allowed shortly to draw your Lordships' attention to the actual position in which we stand with respect to military preparations during the great war in which we are engaged. Of course, I have not access to official documents, but I have endeavoured to obtain from the ordinary channels of information as correct data as I could, and I do not think that they will contain any inaccuracy calculated to affect my statement. I assume that eighteen battalions have either been sent or are ordered to proceed for service to India. Five other battalions which had been sent to China are also going to India. Five, I understand, in addition, have been warned that they will be the next required for that service. Two, it is understood, have been ordered or are expected to proceed from the Cape to India, and we know that the 37th Regiment has been sent from Ceylon. There were in India twenty-two battalions before, and therefore, on the supposition that all this force proceeds to India—and, considering the information we have most recently received, I can hardly entertain a doubt that the whole of the five regiments warned for the next service in India will be sent—the total force to be employed in India amounts to fifty-two battalions, and the wing of a regiment (I am speaking of infantry); and that is a larger infantry force than was employed in the Crimea during the late war. When we had in the Crimea fifty battalions, what was our position at home? We were reduced in this country to eleven battalions, but we had the militia, the effective force of which was about 66,000 men. Of that force seventeen regiments were employed in the Mediterranean garrisons, and I assume that the force of those regiments amounted to 11,000 men. We have now at home, I believe, eighteen battalions, and it is understood that three battalions are ordered home, which will make twenty-one battalions. Therefore we shall have twenty-one battalions at home, whereas during the Crimean war we had only eleven battalions. But at that time we had a militia force of 66,000 men, of which 11,000 men—that is, seventeen regiments—were employed in the Mediterranean, so that we had 55,000 militia in England. We had, therefore, at that time in England eleven battalions and 55,000 militiamen. We have now, or soon shall have, twenty-one battalions in England. I assume that the ten additional battalions are equal to 8,000 men, and we therefore have 8,000 more regulars in England than during the Crimean war, but unless the militia force is embodied we shall have 55,000 less of militiamen. Now, I assume that the £200,000 voted by the House of Commons will enable the Government to employ 9,000 men during six months. Therefore we stand in this way. We have 8,000 more regulars than during the Crimean War, and, deducting 9,000 men from 55,000, we shall have 46,000 less of militia; altogether we shall have 38,000 less of armed men in this country than we had during the Crimean war. Now, I am of opinion that this is a very much more important and more dangerous war than that carried on in the Crimea. There we made war in conjunction with the greatest military Power in Europe, and we were in alliance with the Power with respect to whose territory the war was being carried on. We had also on our side a powerful ally—the King of Sardinia. We were on good terms with France, and it was impossible to consider it as a thing which could by possibility happen that anything could occur between France and us during our co-operation in that war, in which France was employing her own military strength, which would require us to maintain any considerable military force in this country. We had at the same time a large naval force, which kept at bay the military and naval forces of Russia. We are now carrying on a great war at a vast distance from this country without one ally, and can we even say that we have the good wishes of all those who co-operated with us in the last war? I think this a subject calculated to excite great alarm, and which demands from the Government and from your Lordships the most mature consideration. We had in the former war a great naval force. Whatever naval force we now have is employed in China in fighting the battles of Sir John Bowring; so that the country is left in a position the most unprotected. Is that, my Lords, a position in which this country ought to be placed? I have told your Lordships the amouut of force which will be employed in India. Let me now ask you to consider another point of great importance—what number of recruits will be absolutely necessary every year to keep these battalions up to their complement. In doing this the loss by climate is to be estimated as well as the loss inflicted by the enemy; and I fear that on this occasion this must far exceed the ordinary loss constantly endured in India, because of course the troops must march on many occasions without those advantages and resources which they invariably enjoy in times of peace, and also an unhealthy period of the year. I calculate it would be impossible to provide less every year than 10,000 recruits to keep up these fifty battalions to their complement. We have, besides, 2,000 artillery, and it will, I think, be necessary to provide 400 artillery recruits, to keep up that force to its proper complement. Then we have, or are to have, besides, eight regiments of cavalry. On the supposition that these eight regiments of cavalry are to be maintained at the ordinary strength of 600 men which prevails in India, they would amount to 4,800 men, and the number of recruits required by them in the same proportion will be 960. The East India Company have a large force of infantry, consisting of nine battalions; and they have besides a very numerous force of artillery; but I am sorry to say it usually happens that the casualties in their force are greater than in Her Majesty's. On the whole, I cannot calculate the recruits required for the Company's European troops in India during the continuance of this war at less than 4,000 men every year; so that the whole demand for recruits to maintain the troops in India at their full complement will not be less than 15,360 annually. That force must be provided in addition to the number of men usually required to keep up the rest of her Majesty's army, in the Colonies and at home, to its complement. It is said that it is a matter of great importance to consider the expense which will be incurred if the whole of your militia is embodied. It seems to me, however, that that point sinks into insignificance when compared with the security of the country. And of this I feel satisfied — that unless you embody the whole of the militia, and thus always have the opportunity of recruiting from it, it will be quite contrary to reason to expect that you will be able during the continuance of this war to find the number of recruits necessary to keep the army up to its complement. But then let me say a word or two as to the expense. Recollect that when you detach thirty battalions to India you are at once relieved from the expense of maintaining that force, the mere pay of which we may reckon at £900,000 a year. The sum of £200,000 has been already voted by Parliament towards the embodiment of the militia. That makes £1,100,000; and I believe the expense of embodying the whole of the militia for the six months would not exceed £1,600,000, so that the whole difference between what you do and what I propose to do is £500,000, for which sum we are sacrificing, as I think, perhaps the integrity of our empire in India and our honour at home. My Lords, with regard to the state of European affairs, we are told that at present there is not the least reason to apprehend any danger to the peace of Europe; but that, if anything should occur here, Parliament will be called together, and will immediately provide the necessary means for our protection. Now, I believe it is correctly stated that at the present moment there is nothing which threatens the peace of Europe; but I look not many years back, and I see how, in the most pacific times, with the most pacific Sovereign, and the most Pacific Minister, events did suddenly occur to threaten that peace. I allude to the circumstances of 1844. At that time Louis Philippe reigned in France, and Sir Robert Peel was Prime Minister here. Could any Minister be more intensely pacific than Sir Robert Peel? And yet, Louis Philippe being King of France, and Sir Robert Peel Prime Minister of this country, a miserable island in the Pacific gave rise to a difference which seriously endangered the relations existing between the two nations. Again, in the year 1846, I recollect when at the Admiralty thinking it my duty quietly to take every precaution against an impending war with the United States. What happened? One of those events had occurred which every six months seems to give rise to some subject of discussion or difference between this country and the United States, and at one time matters assumed so serious an aspect that I believe, with the exception of Lord Aberdeen, there was not one man in the Cabinet who did not think they would terminate in a war. Now both countries are pacifically inclined, yet between countries the most pacifically inclined differences threatening the peace of the world, and which it is impossible for any man to foresee, suddenly occur; and for these it is necessary to be prepared. But we are told that, if anything calculated to endanger the peace of Europe should occur, Parliament will be called together. No doubt it will, and we know that fourteen days are required to elapse between the summons and the sitting of Parliament. But need I remind the noble Earl opposite, or the noble Viscount at the head of the Government, that the whole practice of war is entirely changed, that the position of this country is completely altered by railways and by steam, and that we are, in fact, hardly now in an insular position; I recollect the noble Viscount once saying we were joined to the Continent by a steam bridge; and this I know that when great military Powers have likewise great military establishments ready for instant action, have railways traversing their whole country, and have at the same time steam to propel their vessels, Napoleon III. could do in one fortnight what Napoleon I. in a year and a half could not do. The state of things, I say, is altogether changed. It is now a word and a blow; and before an answer could be obtained to the most civil and courteous diplomatic note it is within the range of possibility that a foreign army might be landed in this country. That ought not to be. We ought to look at our real position, and be prepared for the change which modern improvements have made in our circumstances. During many years successive Governments — I know not why, I don't like to impute to them the desire of obtaining for the moment an unworthy popularity—have been decrying and holding up as impracticable the ancient right of impressment in time of war. That right of impressment formed the chief defence of this country before the invention of steam; and it is still to a great extent its defence now. But no doubt, the course taken with respect to it must greatly impair the power of any Government disposed to make use of it for the future. When I communicate to your Lordships these fears of mine, that we are not prepared as we ought to be for the great war in which we are engaged for the maintenance of our Indian empire, and that we are not prepared for defence in the event of any untoward or unexpected war in Europe, do not look at my words alone, or trust to my authority, for I know I have none, but recollect what the late Duke of Wellington constantly said. Read, too—if for that alone—the *Life of the late Sir Charles Napier*, and you will see that that great man, as well as the Duke of Wellington, entertained all the apprehensions I am now expressing. My Lords, although I am unwilling to give a dark colouring to the news which has just arrived, I must say that it is of a nature very much to increase my desire to see this country placed at once in a state in which it will be enabled to carry on for a considerable time a very great and distant war. We are now in India in the position we occupied fifty-four years ago as regards the whole of the Upper Provinces and the whole of Central India. We are where we were when Lord Lake marched from Cawnpoor in 1803. But there is this difference, and one which tells against us—that we have our force disseminated in bad and false positions, and we do not possess the advantage which we should have enjoyed had that force been concentrated and fit for immediate action. No one can look at the scattered position of our troops, even in the Punjab—where I believe we shall have the active support of the population—no one can consider the position in which our army now stands before Delhi, in which our troops are placed at Allahabad, and which they occupy, (if they are still there) at Cawnpore, without coming to the conclusion that that position, though a necessary consequence of the events which have taken place, is a false one, extremely damaging to us as a military Power prepared to make war in India. My Lords, I cannot view these circumstances without very great alarm. I feel it to be absolutely necessary, if we would maintain our national honour, if we would maintain that noblest of empires which has been acquired by the genius, the enterprise, and the valour of successive soldiers and statesmen during half a century, that we should make an effort such as this country never as yet has made in war. I am sure that without such an effort we must fail, for we have not the advantage we enjoyed before; we have not an army divided between different princes and potentates jealous of each other—one with us and another against us—nor have we, as far as I know, the fidelity of any of the troops upon whom we formerly relied. My Lords, we are in a much more difficult position for reconquering than ever we were for acquiring India; and what I desire is that, while we are maintaining this great contest with all our strength, we should garrison our citadel at home and make it so secure against all possible attack that it shall not occur to any nation jealous of our power abroad, jealous of our wealth at home, to interfere with us and cripple our action while we are engaged in vindicating our honour, and attempting to regain our empire in India.

Lord PANMURE: The noble Earl, in asking his question relative to the militia, has diverged into other topics with reference to India and to the chances of European troubles. I shall endeavour, in a few words, to reply to the observations he has made. In the first place, with regard to the Vote of £200,000, which we have asked from Parliament as a credit for the expense of embodying the militia, it is contemplated to apply that sum to the embodiment of 10,000 of the militia between this and the 25th of March next. Previous to that date—by the 1st of February—Parliament, in the usual course of things, will have re-assembled; so that naturally this Vote of credit, which will suffice for 10,000 men, would not reach beyond the 1st of February. What the Government required, in asking for that sum, was that they should be enabled to embody the militia without the necessity of immediately calling Parliament together. But my own opinion is, that if it should be requisite to embody more than this force of 10,000 or 12,000, circumstances will have occurred and events will have happened which will render it necessary that Parliament should meet, and that the representatives of the people should have a voice in the measures proposed to cope with the emergency. It is, my Lords, intended to embody these 10,000 men in order to provide for any of the garrisons which may have been weakened by the despatch of troops to India. My Lords, far be it from me to underrate the magnitude of the crisis which has arisen in that distant country. It fills me, I will not say with alarm, but certainly with the deepest anxiety; but I think that the reliefs which have been sent to India upon the requisition, and beyond the requisition, of the Governor General will, at least for a time, suffice to calm much of the apprehension that has been felt. For I may state to the House that, since the beginning of the year—nay, since the news of this revolt arrived in England—there has been, or will have been by the end of this month, despatched to India a force of all arms consisting of 31,000 men. This number includes no recruits of the East India Company, but it does include 4,000 men of the Queen's regiments who were at Chatham, but who are not to be styled recruits; they are as thoroughly formed soldiers as any one of the regiments that have gone out. [The Earl of Ellenborough: They were only complementary.] They will, it is true, go to fill up the complement of the corps already in India, yet they will form a substantial addition to the force available for the suppression of the mutiny. This large army will reach its destination at a season when operations can be undertaken immediately and prosecuted without intermission. That season, as I am informed—though, perhaps, the noble Earl is better acquainted with this matter—is the one best suited for military operations; and I believe preparations will be made in India, to an extent never before known, to bring the whole of this force into the most rapid, most active, and most useful service. I concur with the noble Earl as to the necessity of procuring an adequate number of recruits at home to fill up vacancies in that force; and, in order to keep up the strength of the regiments which have gone out, we have called upon our recruiting agents in the first place to raise ten new battalions of 800 men each, which will give us 8,000 men; in the second place, we propose to raise all the regiments not in India, but in the Colonies and in this country, to 1,000 strong; and thirdly, to raise all the regiments in India to 1,200 strong, with a view to provide against casualties. I grant the truth of the noble Earl's remark, that there will be a heavy demand on this country in order to fill up the ranks of the regiments in India. The noble Earl's calculations are, I think, not beyond the mark; and when he says that we shall require 15,000 men to provide for casualties occurring in India, I may add 5,000 more for the casualties common to the army at home. I believe that, during the continuance of the troubles in India, we shall require at least 20,000 men a year to be raised to replace the casualties happening in that country and at home. But I by no means look to the militia as the source whence these recruits ought principally to come. I am glad to see the colonels of militia draining their regiments to swell the ranks of the line; but it is not the right way to keep up the spirit of the English militia to treat it merely as a recruiting depôt for the regular army. Encourage the militia to furnish recruits to the line as much as you can. We did not find it backward in doing so during the war. But do not give it out to the public that the militia is of no other use than to pass men into the line. The militia is intended for the defence of the country at home; and I am proud to think that 66,000 men of the British militia attained such a state of discipline in the late as in the former war as, even if every soldier of the regular army had been draughted to the seat of the hostilities, would have placed the United Kingdom in an adequate posture of defence. Foreign affairs do not wear the same aspect to me as they appear to do to the noble Earl, nor can I view them with alarm. I do not think that the nations of the Continent, from a jealousy towards the wealth and position of England, would be disposed to seek a cause of quarrel with this country in order to make war upon it in the midst of this crisis. I do not deny that events, unforeseen by the prescience of any man, may possibly occur at any moment, and set nation against nation; but, my Lords, the aspect of affairs at present is pacific—all the deductions that can be drawn from the existing state of things are in favour of peace. Therefore, to alarm the country by calling out at once all the militia, and to put the public to the most serious inconvenience by drawing away the population from the pursuits of agriculture and of manufacturing industry, merely that we might have an over-abundance of troops in each of our garrisons, is not a measure which we could now recommend. We have it in our power to call out the whole of the militia, if we require it. We have asked for and Parliament has liberally granted funds, to enable us to embody a portion of that force in aid of the regular army. We have set the whole of our recruiting force to work from one end of the country to the other, and I apprehend that when the harvest operations are over, recruits will flock to our standard in the amplest numbers. If, however, any deficiency in this respect is experienced, Parliament may be called together in order to give the Government power to obtain more men than the inducements at present held out can tempt to enter the service. The noble Earl spoke of impressment. That system, I am happy to say, is not again likely to be resorted to; but the ballot for the militia has not been given up. It ought not, however, to be adopted, except in cases of extremity. The noble Earl is perhaps not aware that the ballot for the militia is not so much objected to on account of the obligatory nature of the service it imposes, as for the heavy poll-tax it entails on every man who is liable to be enrolled—a tax, give me leave to say, which at the close of the last war amounted to nearly £50 per head. That was the sum paid for a substitute by every man who was drawn for this force. It is this consideration which renders it advisable to use the ballot only as a last resort. I am quite convinced that, under the present system, with the spirit which pervades the country, and without having recourse to this obnoxious expedient, we shall not only get all the men we require, but get them of an infinitely better class, who, when their own terms of service expire, will inspire their neighbours and fellow-citizens with a similar disposition to join the ranks of the militia whenever the country requires their services. I need only add that, although the news which we have received from India must create great anxiety, yet many of the reports afloat, as far as we are informed on the subject, have no foundation in fact. Indeed, we have received despatches of a later date than that to which these reports refer, from Sir Patrick Grant, in a letter dated the 4th of July, and I also happen to have a communication of the 30th of June from an officer at Allahabad, which do not in any way corroborate the accuracy of, and indeed do not even refer to, the reports in question.

The Marquess of CLANRICARDE: My Lords, I agree with the remark of the noble Earl (the Earl of Ellenborough), that what we ought to look to in the present emergency is our real position; but surely it is neither wise nor necessary to exaggerate the crisis. The noble Earl tells us that we are engaged in as great a war as that recently waged in the Crimea, and that it is one of the most dangerous contests ever known. I am at a loss to comprehend the exact meaning of his observations. We are not at war at all with India. If we are, who is the leader against whom we are fighting? We are engaged in quelling a most extensive—and I will say the most dangerous—mutiny that perhaps ever took place. It is a partial rebellion, if you please, but it is not a dangerous war, which will overtax to any degree the immediate resources of this country. There is no rational man, either in or out of this country, who thinks that our rule and empire in India are in danger. But undoubtedly the re-establishment of our authority in that country in its proper position must cost a large sum of money, and I am afraid will occasion a heavy expenditure of a still more painful character. The noble Earl attempted to institute a comparison between our position in India now and that of fifty-four years ago; but there is no analogy between them. I think our position in India, although not so alarming in a military point of view as the noble Earl has stated, is nevertheless one that requires the gravest consideration of Parliament and the country. The first matter is to quell this mutiny. I think that the measures adopted and intended by the Government are sufficient. If they should be found to be insufficient Parliament can be called together again. We have already made an effort greater, perhaps, than was ever made by this or any other country in similar circumstances. We have been informed that a Native army, composed of 2,400 men, has been defeated at Benares. There is no difficulty, therefore, in our achieving success with the mutineers; but there is immense difficulty in re-establishing our authority throughout the country, and in protecting Europeans not belonging to the military in India. And that is only part of the difficulties with which we have to contend. We must reorganize our army. We have lost altogether an army of 70,000 or 80,000, and perhaps I might say of 90,000 men. The re-construction of that army is no trifle. And you will have to reorganize the whole of your Indian army, because what has taken place in Bengal must have affected the whole of your military establishments in India. But the most pressing difficulty is the re-framing of your Indian Government. I am not going to inquire into the causes of the disasters in India. I do not think that any one can prove that those disasters are owing exclusively to one cause. No man can deny that India has been misgoverned. There is no doubt whatever that with regard to the military establishments in India the Indian Government has been very careless. You have the best authority for that opinion. Every man connected with India will tell you that you must entirely re-frame your government of India, and I believe that nothing that could be adopted would be so likely to strengthen your power in India as an immediate announcement that the Government in this country had come to the determination to assume, in the name of the Queen, the government of India. I know that is a matter which cannot be lightly carried into execution. Great consideration must precede an enactment to that effect. But eminent men engaged in the civil service, persons in the military service, whose opinions are entitled to great weight, and Europeans connected with India, but not with the public service, have expressed their opinion that if it were at once made known to the people of India that the government of that country was hereafter to be carried on directly for the Queen, the Government of India would stand in a much stronger position than it can be while carried on in the name of the Company. You have taught the Natives to look upon the Company as a company of merchants, and, although we know how mercantile adventure and wisdom have raised this country, they are not a people who understand these matters so well as we do. The name of the Queen would be a tower of strength to the Government of India. The people there see the Queen's regiments and the Company's regiments, and are aware of the precedence given to the former. They know that the Commander in Chief is always taken from the Queen's service and not from the Company's service. If the Government should neglect to make such an announcement as I have spoken of, it will undoubtedly be the duty of Parliament to take up the subject next Session. It is impossible it can rest where it is; and it is with the view of acquiring information, upon a small, certainly, but not on an unimportant point, that I have now risen to move for certain papers pursuant to notice. I am confident that the measures adopted by the Government are such as to meet the emergency. I think the news we have received this day is on the whole satisfactory. It is better than could have been anticipated. As far as we know, the armies of Bombay and Madras are loyal. If I understand the matter rightly, General Van Cortlandt has performed one of the most remarkable feats of military valour in helping to put down this mutiny, for with merely Native troops he has made a most rapid and successful march, everywhere dispersing the mutineers. There is another very important point which we should not lose sight of, and that is the disparity with respect to numbers between the mutineers and the Europeans in every case in which they have encountered each other; yet, in no one instance have the European troops been defeated. That of itself speaks enough as to the future results throughout the whole of the country. All the private letters that have been received from India, as well as the accounts that have been published, say that the mutineers have been dispirited by the unvarying success of the European troops. These are the reasons that induce me to believe that the measures adopted by the Government are sufficient for the occasion. I beg to move that there be laid before this House a Return of the Number of young Men sent from this Country with Appointments to the Covenanted Service of India in each year from the 1st January 1847 to the 1st January 1856.

THE EARL OF ELLENBOROUGH: There is one observation of the noble Marquess in which I desire to express my entire concurrence. The noble Marquess stated that the Queen's name would be a tower of strength to the Government of India. That has long been my opinion, and I have frequently declared it in Parliament. I first came to that conclusion when I was in India, and I then made it known in the highest quarter to which it could be addressed. I confess it is to me a subject of satisfaction that we are at the end of the Session, for I am very much afraid that in the midst of the excitement which has been created upon this subject in this and in the other House, if we were at the commencement of a Session, Parliament might be disposed to adopt some ill considered measure with a view to effect a change in the administration of the Government of India. I do not think that a time of public danger is a convenient time for any alteration of that kind. But I believe that in any change which may hereafter be made, the first essentials are that India, however it may be practically administered here, should be governed there in the name of the Crown, and that under no circumstances should the Government here be committed to any member of Her Majesty's Administration without an Indian Council, of which I should wish that a considerable portion at least should be appointed by election. These I have always considered the two cardinal points on which any change in the Government of India should be made to rest. But I think it right at the same time to say that, whatever may be my opinion of the inherent faults in the present administration of the Government of India, I do not directly trace to it the disorder and the danger which now exist in that country. It may be right for us to make alterations with a view to obtain a security against the recurrence of such a calamity, but I do not see in recent events anything to impugn the present administrative system of India. The noble Marquess thinks that the present news is of a satisfactory character; and there I must say that I entirely differ from him. But I must add, that in the news we have received to-day there is nothing bad which might not have been expected from the last accounts that reached us. There is, however, one favourable circumstance, to which the noble Marquess has adverted, which we had no reason to expect, and that is the successful march of General Van Courtlandt. That march was attended with a most valuable result, inasmuch as it opened up the direct communication between Delhi and Lahore. In case of the rising of the waters any other communication than that between those important points would have become very difficult, and might have been almost impracticable.

EARL GRANVILLE: My Lords, I entirely agree with the noble Marquess, that the whole question of the Government of India must occupy the most deliberate consideration of the Government and of Parliament; but I totally differ from him if he thinks the present an opportune moment for entering upon this question. The noble Marquess has on previous occasions explained with great ability his objections to the present system of administering the Government of India; but I think there never was a less fitting moment than the present for discussing this question. Our first duty is to establish order and tranquillity, and we may then apply a remedy to any defects that may exist. I cannot conceive anything more pernicious, even if a case were made out against the Government of India, than that Parliament should rush into the subject under feelings of panic, and adopt changes to which it is impossible we can at present give fitting consideration. Whether the noble Marquess is right or not in saying that the Queen's name would be a tower of strength in the Government of India, it must be a source of weakness in India if, at a time of mutiny, it should go out that Parliament feels an utter want of confidence in the present mode of administering the Government of that country. I abstain, therefore, from entering upon the great questions of the administration of the Government of India and the re-organization of the army, and I think that the present is not the right time to discuss these topics. With regard to what has fallen from the noble Marquess as to the character of the news that has just arrived from India, I feel some little difficulty in referring to this subject, because there is on the one hand a disposition to blame the Government for undue levity and for treating this subject too lightly, and on the other hand it is said that it is their fixed policy to delude the public by a fancied security which the Government themselves do not entertain. I can assure your Lordships that the Government have truly stated to the public the impressions made upon their minds by the events that have occurred in India. We think that although there are still circumstances to cause us anxiety, yet that, on the whole, the news is as favourable as could be expected. I think there are several matters of great consolation in the news just received. It is no doubt a source of anxiety that this mutiny should have spread to other points and other regiments; but on the other hand it is most consolatory that, at the latest date, the armies of Madras and Bombay were perfectly faithful and firm. It is a comfort that the Punjab is quiet, and that the levies of the Punjab have acted admirably. It is a comfort that the Nizam is also firm and loyal, and that the lower provinces of Bengal are quiet. I attach great importance to the renewed confidence among the mercantile classes which has been manifested at the seat of Government. The Native bankers no doubt look sharply to the intelligence that arrives, and to the existing state of affairs, and it is a consolation to find that piece goods for the supply of the interior have fetched high prices, and have been bought to a large amount. With regard to the rumour which has been alluded to of a dreadful massacre having taken place at Cawnpore, owing to General Wheeler having been deluded by the assurances of a Native, I have every reason to believe that the whole of this story is a fabrication. I have seen a letter from Sir Patrick Grant, in which he states it to be his belief that the rumour is a complete fabrication; and I have also seen a letter from the son of a gentleman who, writing from his regiment between Cawnpore and Calcutta, and speaking of the great alarm which had been caused by this rumour, says that they had been reassured by the discovery that the story was the invention of a Sepoy, who was to be hanged in consequence of the fabrication. No doubt in such a time rumours will be rife, as well of disasters as of victory, and the premature report that Delhi had been taken is an illustration of the manner in which intelligence is fabricated in the present crisis. I do not wish to endeavour to diminish the horror of some of these massacres, which are most deeply to be deplored; but it is the opinion of the Government, in which I have no doubt your Lordships will concur, that, on the whole, the news from India just received is as satisfactory as could well have been expected.

THE MARQUESS OF CLANRICARDE explained, that he had no wish that Parliament should undertake, at the present moment, the reconstruction of the government of India. He had only alluded to the matter as a fit subject for future consideration.

THE EARL OF ELLENBOROUGH said, he was glad to hear that confidence was returning at Calcutta, but he would have been more satisfied if the Governor General had made some communication with reference to the state of public affairs. It should be remembered, however, that he was entirely cut off from direct communication with Delhi, and that his only means of communication was through Lahore and Bombay. As an instance of the difficulty of obtaining correct information, he might state that he had received a letter, dated the 4th of July, stating that the opinion then was that Delhi had fallen on the 12th or 13th of June.

BISHOPS' PENSIONS.—QUESTION.

VISCOUNT DUNGANNON asked the Lord Privy Seal, pursuant to notice—Whether, out of the fund now fallen in to the Ecclesiastical Commission by the death of Bishop Blomfield, it is in contemplation to award any portion as a retiring allowance to Bishop Hinds, who, on the ground of declining health, lately resigned the see of Norwich? He was given to understand that an Act of Parliament would be necessary to carry out the object he had in view in putting the question, and if that were so, he hoped early next Session Government would introduce such a measure, and that the case of Bishop Hinds would be taken into consideration.

THE EARL OF HARROWBY said, his noble Friend was correct in his suggestion that no award of this nature could be made out of the Ecclesiastical Commission Fund without the authority of an Act of Parliament. A general measure, with respect to the subject of providing retiring allowances under certain circumstances for Bishops, had been under the consideration of the Government; but, owing to difficulties which had arisen in connection with the preparation of some of its details, it had not been found possible to proceed with it for the present. A measure of that character would, however, he had no doubt, be before long submitted to the notice of Parliament; and he had only to add that the claim of Bishop Hinds was one which would receive consideration, and which must not be supposed to suffer in any way by lapse of time.

House adjourned at a quarter past Seven o'clock, till To-morrow, Ten o'clock.

HOUSE OF COMMONS,

Friday, August 14, 1857.

MINUTES.] 2° Mutiny (East India); Consolidated Fund (Appropriation); Militia; Customs and Excise; Customs; Jurisdiction in Siam; Trustees Relief; Parochial Schoolmasters (Scotland) (No. 2).
3° Joint Stock Companies Act (1856) Amendment; Militia Pay.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee, resuming the consideration of the 25th Clause.

LORD JOHN MANNERS said, he rose to move the insertion of certain words with the view to carry out a principle which he had endeavoured yesterday to bring before the Committee. He would assume for the sake of argument, that the deliberate opinion of that House was, that marriage ought to be dissolved on the ground of adultery; and, further, that, so far as the principle was concerned, marriage ought to be dissolved on the score of adultery both at the suit of the man and of the woman. Another principle, if he might so call it, which the Committee had decided, and which they were therefore bound to respect, was, that although as a matter of abstract right it could not be asserted that a woman ought to be placed in an inferior position to a man with respect to divorce on the ground of adultery, yet there were certain social considerations which ought to bar her claim. A third principle established by the Committee was, that the relief to be afforded to a wife was not to be left to the discretion of any Court of law, but was to be specifically laid down in the Act in connection with each particular case. The question then arose whether the causes which they had already included in the clause as justifying a claim of divorce on the part of a wife really exhausted the whole category of offences which when combined with adultery ought to be held as valid grounds of divorce. In his opinion they did not, and he wished to call attention to one case which had hitherto been entirely overlooked. He thought that the majority of the cases which the Committee had already deliberated upon and decided might be said, speaking generally, to affect more particularly the higher and wealthier classses of society. He now desired to direct the attention of the Committee downwards, and to ask them to consider the position and claims of women in the humbler ranks of life. Let them suppose that a poor woman had a husband who committed adultery, and that either previous or subsequent to the commission of that offence he rendered himself amenable to the laws of the country by the perpetration of some other grievous crime, such as burglary or forgery—the Committee had already decided that, in point of principle, the poor woman had a right to claim divorce from her offending husband, and he contended that there was no social consideration which could operate against and not in favour of her title to relief. Supposing the husband were condemned to penal servitude for life, in what position would the wife be placed? The natural protector of herself and her children was removed from her; she could not expect to receive from him a single sixpence for her and their support; she could not by law marry again, but was thrown hopeless and resourceless upon the world. He maintained that having recognized the human dissolubility of marriage, any woman so circumstanced ought to be permitted to marry again, in order that she might by that means procure the means of subsistence for herself and her children. In France, Sicily, the Canton de Vaud, Holland, Austria, and Prussia, relief was granted to a wife on the condemnation of her husband to any infamous punishment, even without the commission of adultery. What was there in the state of society or of law in England to prevent them doing the same justice to the poor woman whose case he had put before the Committee? He trusted, therefore, that the Committee would agree to the insertion of certain words which he had framed to treat the case he had supposed.

Amendment proposed, After the word "upwards" to insert the words "or of adultery preceded or followed by the commission of a crime for which the husband is sentenced to penal servitude."

Question proposed, That those words be there inserted.

SIR GEORGE GREY said, he was sorry that no notice had been given of this Amendment, because it involved a new and important principle, which ought to be carefully considered. He understood from the speech of the noble Lord, though the terms of his Amendment conveyed a different notion, that, if a man were convicted of any offence, and sentenced to a punishment which involved forcible separation from his wife, the latter would be entitled to ask for the dissolution of the bond of matrimony in order that she might marry again. Now, a man might commit burglary or forgery, and yet be faithful to his marriage vow. He supposed, therefore—and the Amendment of the noble Lord was plain upon the point—that there must be adultery; but, surely, the noble Lord did not mean to say that if at any period of his married life a man committed adultery, and at some future time incurred the sentence of penal servitude, his wife should be entitled to a divorce, although the previous act of adultery might have occurred nobody knew when or where, or might even have been condoned? It seemed to him that the Amendment joined things which had no natural connection whatever. Those offences which the Committee had already adopted as sufficient grounds for the dissolution of marriage when combined with adultery were offences which involved a flagrant violation of the marriage vow; but in the case put by the noble Lord, there was nothing of the kind. Again, the noble Lord assumed that the sentence of penal servitude necessarily implied the forcible separation of husband and wife for the whole period of the sentence, and he understood the proposition of the noble Lord to be, that any sentence of penal servitude passed by a Judge should, without the decree of any Court, carry with it a dissolution of marriage. Now, a man might be convicted by a jury and sentenced to a term of penal servitude, and yet the Secretary of State might afterwards see fit, at the instance of the Judge, and upon further inquiry, either to commute the sentence into a short period of imprisonment, or grant a free pardon to the prisoner. It might happen, therefore, if the mere sentence of the Judge were to carry with it actual divorce *a vinculo matrimonii*, that the man might be at liberty a few days or weeks after the sentence had been passed, be divorced from his wife and free to marry again. Was the noble Lord prepared, after contending against the dissolubility of marriage, to sanction such an extension of divorce as was involved in the Amendment he had proposed? He trusted the noble Lord would not persist in his proposition, or that he would at least take another opportunity of proposing it when more notice had been given, in order that the wording intended to carry into effect a principle so novel and of so much importance might be carefully considered.

MR. HENLEY said the Bill was so much altered from time to time that it was impossible always to give notice of Amendments. Certainly he had not understood the noble Lord in the same sense as the right hon. Gentleman the Secretary for the Home Department. The principle which the noble Lord wished to establish was that absence of the husband under the sentence of a Court, coupled with adultery, should be considered a desertion under the Act; and, certainly, it did seem that the case was sufficient to warrant at least an application to the Court whether the remedy should not be granted. The words no doubt would want careful consideration—as, if the adultery was condoned by the woman, she ought not to found any claim upon it—but otherwise her position was one which at least ought to be considered.

MR. GLADSTONE said, that he had been rather surprised that the Committee had not perceived that in the proposition of the hon. and learned Member for Knaresborough, to include murder and manslaughter among the grounds for granting divorces, a very important principle was involved. The Amendment of the noble Lord was based upon the same principles, and were he obliged to pronounce an opinion at once it would be adverse to the proposition. He would, however, recommend the noble Lord to adopt the suggestion of the Secretary of State and withdraw the Amendment for the present, and if, after consideration, he should think it advisable to propose it, he could do so upon the Report. Although the Committee had been making most material alterations in the clauses, and extending the categories under which a wife might present a petition for a divorce, yet all those extensions had reference to one principle—that the additions to be made to adultery as a ground for divorce to the wife should be additions which in their nature and character were offences against the marriage contract. He thought it would not be wise nor safe to go beyond that principle, and he hoped the noble Lord would at least take more time to consider his Amendment.

Lord LOVAINE said, he was not inclined to go beyond the principles stated by the right hon. Gentleman. On the principle of the noble Lord he did not see how they could refuse to grant a right to relief where the husband was attacked by hopeless insanity. He further wished to call attention to an anonymous letter contained in the papers, which had been laid before the other House, but not before that House. The insertion of such a letter was most unusual, and might lead to very inconvenient results.

Sir GEORGE GREY explained that the papers referred to had not been presented to that House because they were not deemed to be necessary, and the Commissioners entertaining the same opinion had not appended them to their Report.

Mr. BERESFORD HOPE said, if the Amendment were adopted, the case of a man who had been convicted and received a ticket-of-leave, and found upon his return to this country that his wife had married again, might frequently occur. The law would then be pretty much the same as in Sweden. According to that law, if a man was for a certain number of years absent from his wife she might marry again; but if he afterwards came back the second husband must retire, unless an agreement were made to the contrary.

Sir WILLIAM HEATHCOTE said, he would beg to remind the hon. Member for Maidstone (Mr. Hope) that a distinctive feature of his noble Friend's Amendment was that the desertion should be accompanied with adultery, and that therefore such a case as he had referred to could not occur.

Mr. MALINS said, he thought they should be careful to confine the right of divorce in this instance to cases where adultery was committed, and where abandonment of the wife took place in connection with that adultery. The right hon. Baronet had stated that the Report of Mr. Macqueen was not appended to the Report of the Commissioners; but it was impossible it could have been so, as Mr. Macqueen's paper was not published till nearly three years after the Report of the Commissioners. This important document, prepared by Mr. Macqueen, after careful inquiry in France, was ordered to be printed by the House of Lords, and by that means it had got into the hands of many hon. Members; but surely if it was of importance that the House of Lords should have such a paper it was equally so to the Members of that House, and he was therefore surprised that the Government had not taken steps to have it printed and laid on the table.

Sir GEORGE GREY said, the document to which the hon. and learned Gentleman referred was the compilation of a private individual with which the Government had nothing to do, and they were not called on to produce it to the House. It was laid on the table of the House of Lords on the Motion of a noble Member of that House, not by the Government. He must say that he did not attach the same value to Mr. Macqueen's Report—seeing it was a purely private paper—that the hon. and learned Gentleman did, nor did he think it was one which the Government should have produced to influence the decisions of Parliament.

Mr. MALINS remarked, that he only wished to say, that if the document was useful to the discussion of this Bill in the House of Lords it must be equally so in the House of Commons, and he thought it was the duty of the Government to have produced it.

Viscount PALMERSTON said, he thought that seeing the hon. and learned Gentleman attached so much importance to this document he ought to have moved for its production.

Mr. MALINS reminded the noble Lord that it was not till the end of July they were informed of the intention of Government to proceed with this Bill. He might besides plead professional engagements as a reason why he did not move for the production of this paper, which he still believed it was the duty of the Government to have laid on the table.

Mr. DE VERE said, he was opposed to this Bill on principle, as he believed it not only rested on no religious sanction, but was opposed to all religious sanctions, and would be injurious to the domestic peace and morality of this country. He could not give his assent to any Amendments calculated to extend the area within which the provisions of the Bill were to apply; nor could he be a party to Amendments which might be proposed merely to lessen the chance of the Bill passing into a law. With regard to the particular Amendment before the House, as one fact was worth a thousand arguments, he would mention the cases which had occurred within his own experience. One was the case of a man in the higher walks of life, and the other that of a man in a humbler sphere. Both had been capitally convicted, but had their sentences commuted to transportation, and, after the lapse of many years, they both returned to their wives and families, and were now living in the enjoyment of domestic peace.

Lord JOHN MANNERS said, that his not having given notice of this Amendment was his misfortune, and not his fault. He had endeavoured, as carefully as he could, to follow the proceedings of the Bill, and he had on the last night repeatedly expressed his opinion in favour of the principle which he now proposed. After the principle adopted by the Committee, that adultery removed from the marriage tie the stamp of God, they were bound to consider the rights of the woman as well as those of the man. Surely a penal sentence was equivalent to desertion for two years. It was argued on the other side that it might be the intention of the man to return. But they could not enter into intentions; all they could do was to take facts. The law of Sweden, which had been quoted, had no reference at all to adultery. It referred to a man who had been absent without any fault of his own. At the same time he was willing to withdraw the Amendment, reserving the power of proposing it on the Report.

Mr. STEUART said, he hoped that a penal sentence coupled with adultery would be considered a sufficient ground for divorce.

Mr. NEWDEGATE said, that from the previous decisions of the Committee they were now reduced to argue the question as a mere social contract, and it was for this reason that they were driven into the course they had adopted, and to do the best they could to make the Bill harmless. The Bill professed to be founded upon the Report of the Commission, and yet the documents upon which that Report was founded were not placed in their hands. They were not to be taunted because, after the total abnegation of the principles they advocated, they endeavoured to introduce as much justice as they could. He could not but complain of the dictatorial tone which the noble Lord at the Head of the Government had gradually assumed towards the Committee. It had been deeply felt by many hon. Members last night, but it would not prevent those who took an interest in the subject giving the provisions of the Bill their most careful attention, and even studied opposition when it was necessary. But a few days ago the noble Lord called upon the House to pass the Bill for the consolidation of the criminal law without examination, although it had been shown that it contained very important alterations and variations from the existing criminal law, and now he wanted them to pass this Bill, which was drawn up in a manner unworthy of the learning of those who were responsible for it, merely because it had come down late in the Session.

Mr. COLLINS said, he hoped that the Bill would not pass into law without some provision being introduced giving divorce in cases of aggravated felony, coupled with the commission of adultery.

Amendment, by leave, *withdrawn.*

Mr. STAPLETON thought that these Amendments, extending relief to the wife, required one addition to make them as nearly perfect as possible. What he referred to was, that when the wife should obtain a decree for the restitution of conjugal rights, and the husband should afterwards commit adultery, the wife should be enabled to demand a divorce. He should move the insertion of words to that effect.

Amendment proposed after the word "upwards" to insert the words "or of adultery committed after she had obtained a decree for restitution of conjugal rights"

Question proposed, That those words be there inserted.

Sir GEORGE GREY said, that he did not see any necessity for this Amendment.

The wife had two courses open to her, either to sue for a divorce or for restitution of conjugal rights. If she adopted the latter course, and obtained restitution of conjugal rights, he did not see how she could afterwards ask for a divorce on the ground of adultery.

MR. BUTT suggested that, although she had obtained a decree, the husband might never have conformed to it.

MR. GLADSTONE said, that on the previous evening they had experienced great difficulty in finding words which would meet cases in which there might be all the *animus* and substance of desertion, but in which the husband by certain occasional proceedings of his own might prevent his wife proving the offence according to the legal and technical meaning of the word. He thought that this Amendment would, to a considerable extent, although perhaps not altogether, supply that defect in the clause. According to it, the substance of the desertion would be ascertained by the suit for restitution of conjugal rights, and adultery following this would entitle the wife to a divorce.

SIR GEORGE GREY urged, that as the Amendment stood, although a man might live with his wife for twenty years after the decree had been pronounced, yet a single act of adultery committed at the expiration of that period would render him liable to be divorced.

MR. STAPLETON said, that he thought that there would be no injustice in such a provision. The distance of time had nothing to do with the matter. The husband would be guilty of two offences, and it was but right she should have a remedy for the second as well as for the first. It was only a similar case to that of punishing a felon on a previous conviction a number of years before.

VISCOUNT PALMERSTON said, that he thought the Amendment an entire departure from the principle on which the Committee had hitherto proceeded. The word "desertion" in the clause implied that the desertion should subsist on the part of the husband, whereas the Amendment was based upon the assumption that the desertion had ceased. Now, whether the desertion had ceased voluntarily upon the part of the husband, or in consequence of a decree of the Court did not the least signify, and as soon as the parties came together again the desertion and all the incidents connected with it ceased: so that the practical effect of the Amendment would be to allow a divorce on the ground of adultery alone.

MR. AYRTON said, that the words in the clause were "desertion without reasonable excuse." Now, it appeared to him that it would be better to leave the word "desertion" to stand alone, and at the end of the clause to introduce some definition of the meaning of the word desertion. As the word at present stood, it would apply only to leaving a wife without the means of support; whereas he believed it was intended to apply to the more general sense of a man's deserting his marital duties.

MR. HENLEY said, he quite agreed with the noble Lord that when the parties had come together again, whether voluntarily or whether in accordance with a judicial decree, the desertion and the incidents connected with it were at an end.

Amendment by leave *withdrawn.*

MR. GLADSTONE asked whether the definition of "incestuous adultery" at the end of the clause was necessary? Had not the words a definite legal meaning?

SIR GEORGE GREY said, it was considered better to retain the definition.

SIR WILLIAM HEATHCOTE said, he proposed to add, as an explanation of the term "bigamy," the words, "that bigamy shall be taken to mean the marriage of any person being already married to any other person during the lifetime of the former husband or wife."

SIR GEORGE GREY observed, he would be glad if the hon. Baronet would not at present press the Amendment, as he should like to take the opinion of his hon. and learned Friend the Attorney-General with regard to it.

SIR WILLIAM HEATHCOTE assented, and withdrew the Amendment.

MR. BUTT said, he now wished to propose an Amendment, the effect of which was that if any of the felonies mentioned in the Act as a ground for divorce were alleged against a husband, in the case where such felony should have been committed in England it should be necessary to prove a conviction, or that the man had been outlawed upon an indictment charging him with such offence.

THE ATTORNEY GENERAL said, he was sorry he could not congratulate the Committee on the progress they had made with the Bill during his absence. Not only had they not been progressing, but they had in reality made a retrograde movement, as the Amendment was exactly the same as one which had been discussed the evening before.

The CHAIRMAN decided that the Amendment was substantially similar to one which had already been discussed and disposed of by the Committee, and therefore could not be put.

Question "That Clause 25, as amended, stand part of the Bill."

MR. GLADSTONE : I do not intend to take the sense of the Committee on this clause, though I should join with any hon. Member who might think it his duty to do so. I am contented with the decision which was originally taken on the Motion of my hon. Friend the Member for West Surrey (Mr. Drummond), although I entertain the strongest conviction that if we were now to proceed to a division again, which should fairly raise the question of the wife's equality, though the Committee would not in that respect reverse its former decision, the proportion of the numbers on the division would be most materially altered by the course which our discussions have taken on this clause. At present the matter stands thus,—my noble Friend at the head of the Government thought fit to make a charge of obstruction against those who had been engaged in discussing the details of this clause, and the few words which I shall now say will be said with the intention, not of making an accusation against anybody, but of removing, if possible, from the minds of those, who think that charge was justified, the impression they entertain, and also the sentiment that we are greatly aggrieved by that accusation. My noble Friend made that charge when at midnight he found that we had been engaged for ten hours in dicussing the details of this clause. The exact foundation of the charge was that we had come to the end of the clause, that nothing remained to be done but to take the sense of the Committee on the question that it do pass, and that therefore it was an unwarrantable proceeding to move that you should report progress. That Motion, however, was not made by an opponent of the Bill, but by a friend of the Bill, who is not now in his place. My noble Friend was entirely mistaken as to the immediate grounds of the charge, for so far from having then disposed of all the points which had arisen on the consideration of the clause, we have nearly spent other two hours this morning in amending it, and chiefly on the invitation of hon. Gentlemen who are friendly to the Bill. Now, what I want to bring to your minds is this :—The real question between us is whether the Bill that we are now discussing is or is not a Bill which from its nature requires minute and detailed scrutiny and strict investigation. That is really the question between us ; and, for myself, I say frankly that I may have said foolish things during these discussions, but I have not said one word purposely except what I believed was called for by the Bill on its own merits. Well, is it true that yesterday was spent by the Committee without profit ? We have here been discussing the most difficult and complicated parts of a most difficult and complicated subject. If you had admitted the principle of divorce in the case of the woman as well as in that of the man this part of the operation would have been simple. I hold in my hand a communication from a gentleman who is acknowledged to be one of the highest authorities on the subject—namely, Mr. Macqueen, who, after disposing of the principle of the Bill, on coming to the question of the right of divorce to be given to the woman, says here the real difficulties of the Bill commence ; and then he enters into a minute examination of the question of these cases. This is a clause which contains important and difficult matters sufficient to occupy this House for days and weeks. It embraces the whole principle of the Bill as regards at least one-half of the human race—namely, women, and forms a code of itself as respects the rights of women under the law of divorce. What are the signs of obstructed proceedings ? The repetition of the same proposals is instanced, but I am not aware that the same proposals have been repeated by persons opposed to the Bill. There has been, a few minutes ago, an accidental case of that kind certainly, but it was only accidental. Have the proposals which have been made one after another been condemned by the general sense of the Committee ? I have rarely known a harder day's work done in the House of Commons than was done by the Committee yesterday. We disposed of no less than eight or ten most difficult and important questions of law, and so far from those being proposals condemned by the Committee, compare the clause as it now stands with the clause as it originally came into our hands. The clause, as it first came before us, contained four categories under which the wife might present a petition ; three of them remain nearly altogether as they were; one relating to bigamy has been fundamentally altered; and three new categories, making seven in all, were one after another introduced into the clause and with the unanimous assent of the Committee. Now, in the discussion in Committee on the Oxford University Bill, which was about the same length as this, but certainly not of greater importance or difficulty, I believe we were occupied not less than from twenty-five to thirty nights, and there were occasions during the discussions on that Bill on which we found, after spending six or eight hours, that we had not advanced above a line and a-half; but we never presumed to say to my right hon. Friend opposite (Mr. Disraeli), and to those who acted with him on that side of the House, that they were abusing their privilege as Members of Parliament, and offering obstructions to an important measure under the consideration of the House. This is a matter in which the difficulties are inherent in the case under the circumstances in which we are called on to discuss this Bill. My noble Friend at the head of the Government said at one period of the discussion on the Bill, "We shall sit here until September if you like." But let me assure my noble Friend that we have not endeavoured to delay the Bill by any factious opposition. We complained, on the contrary, of the Bill being put off, because we saw the difficulty of discussing it under the circumstances become greater and greater. If the Committee think the Bill should pass without minute examination of its details, let them say so, for that would relieve and discharge a considerable number of hon. Members altogether. I know at least that it would be an immense relief to me. Looking to the advanced period of the Session, I dare say the practice as regards divorce among the Members of this House has begun already; for many of us are detained here under circumstances which I fear bring us under the category of being for the present divorced *a mensâ et thoro.* Unless, therefore, my noble Friend can procure us some absolution that we should allow this Bill to pass without a minute examination of its details, we have really no choice but to attempt to bring his Bill into the best possible shape. The hon. and learned Attorney General has expressed an opinion that there will probably be some further legislation on this subject, and that this Bill is not to be "the be-all and end-all" of the question. There are many of us—not only of those who voted against the second reading of the Bill, but likewise of those who, like my noble Friend the Member for London, give a most earnest support to the Bill on its principle—who think and feel most strongly that it is our duty not to aim at what is called finality, of which human laws do not admit, but to give something like body, clearness, sense, consistency, and intelligibility to the code of which we are going to lay the foundation. It has been our absolute duty in considering all these most difficult questions with regard to the woman, to give as complete and consistent effect to the principle embodied in the clause, and which we thought most inadequately carried out, as we could possibly give to it. For that reason we have deliberated ten or twelve hours, and still, although we understand the principle of the clause, I feel doubtful whether there are not cases—gross and painful cases—cases too painful to be named—offences over and above the mere act of adultery characterized in the strongest terms in the Report of the Commissioners, and striking directly at the marriage contract and the peace and comfort of the wife—for which in the clause we have made no provision whatever. If I have been desirous that this Bill should not pass in the present Session, it has been upon the ground that I do not believe it can be made a work worthy of this House in the short time which remains to us; but I have not on account of that opinion descended to the wretched art of spinning speeches about nothing in order to waste the time of the House. On the contrary, I have declined to enter into personal questions, and have forborne to accept challenges of that nature. In that spirit I shall continue to act. I hope I have said nothing upon the present occasion to give offence to my noble Friend at the head of the Government or to anybody else. My desire is that a sense of wrong should be removed from one side or the other, and that we should now ascertain whether we are to continue to discharge our duties as Members of Parliament by a minute examination of this Bill or not. I think we have passed the most difficult part of the Bill. The next five or six clauses may undoubtedly give rise to points of importance, but after these clauses are over I should hope that we may proceed rapidly to that clause, the 53rd, upon which questions of great moment will be raised, which it must be the desire of us all to have settled without unnecessary delay.

VISCOUNT PALMERSTON: I can assure my right hon. Friend that there is nobody in this House who would regret more than I should do the having expressed in regard to other persons any opinion as to the course which they may think proper to pursue in discharge of their duty as Members of Parliament. It is quite true that things which I have heard out of this House, and some things which I have observed in this House, did lead me to think that there was on the part of the opponents of the Bill an intention, if they could not defeat it by divisions, so far to protract the discussions as to render it impossible for the Bill to pass this year. That was the impression created upon my mind. It very likely was an erroneous impression, and, after what the right hon. Gentleman had stated, I am bound to say that, in regard to him especially, that impression must have been erroneous. With respect to the Bill itself, I can only say that we are quite conscious of its importance. We have no desire to hurry the House improperly through the measure, or to prevent ample and full consideration of all matters to which it relates. So far from complaining of full discussions, or of Amendments proposed in a spirit of improvement, we should be sincerely thankful to those who may afford us the means of improving a measure which we think of importance, and which we desire to pass in as perfect a form as possible. We felt that this Bill having originated in the other House of Parliament, having been discussed at great length by all those learned men belonging to the law who are members of that House, there was at least *primâ facie* evidence that the Bill was properly framed and not liable to serious objections. But, subject to that, I can assure my right hon. Friend that I would be the last man to complain of any Amendments which may be proposed in a spirit of improvement, and not for the mere purpose of producing delay. I trust, therefore, that hon. Gentlemen will acquit me of any wish to obstruct the full and free deliberation of the House upon a measure which, so far from desiring to pass hastily, we hope may receive the amplest consideration and amendment.

MR. GLADSTONE: I thank my noble Friend for what he has said, and shall take the liberty of adding only one word. I am afraid that a remark which fell from myself afforded some ground for the impression he entertained, and I should like to explain the circumstances, though I am rather reluctant to do so in the absence of the right hon. Baronet the Member for Droitwich (Sir J. Pakington). When the right hon. Baronet was conversing with the noble Lord across the table as to the day when his Motion for a Commission on the subject of education might be brought before the House, I cried out in an idle jest, "Fix it for the Greek Kalends." I can assure my noble Friend that when I used that expression I mainly referred to my sense of the objections which I thought would lie against calling upon this House at this period of the Session to discuss the question whether we should address the Crown to issue a Commission upon education.

MR. HENLEY: I think the Committee is perfectly satisfied with what the noble Lord has said, and, notwithstanding what we were told in the first instance, that he who ran might read, I imagine the noble Lord must now see that this Bill requires to be sifted and discussed in every clause and line. Numerous important Amendments have already been introduced into it, in a great majority of cases with the consent of those who have charge of the Bill, and I hope, therefore, that we shall hear no more of the charge that we are not taking a fair and honest course.

THE ATTORNEY GENERAL: In justice to the noble Lord at the head of the Government, I beg the Committee to recollect that nobody ever used the expression that "he who runs might read the Bill." The words that unfortunately fell from me were something very different, and have been greatly misrepresented. What I said was,—"The intentions of the Government are in the Bill, and he who reads may understand them." I hope that we shall now let bygones be bygones. If I were to recollect all the hard taunts I received yesterday I should regard them, when combined with the various Amendments which were proposed, as very "aggravating circumstances" indeed. Let us now, however, in that spirit of improvement which I believe exists on both sides of the House, proceed with the Bill as expeditiously as possible.

LORD JOHN MANNERS said, he wished to inquire whether it was the intention of the Government, under the new system to be established by this Bill, to prohibit women from having recourse to the House of Lords; and also, if it was not their intention to do so, but to carry out the recommendation of the Commissioners, in what way it was proposed that application to the Legislature should be made?

The ATTORNEY GENERAL said, he could assure the noble Lord that there was nothing in the Bill to affect the future authority of Parliament. The right of a wife, under aggravated circumstances, not provided for in the Bill, to apply to the Legislature for a divorce, would remain wholly unaffected.

Mr. GLADSTONE said, he had fully intended to have raised that question at some stage of the discussion. Much alarm had been created by certain words which fell from the hon. and learned Attorney General, to the effect that the Bill was not "the be-all and the end-all" of legislation. He (Mr. Gladstone) hoped he was justified in putting a limited construction upon that expression, and that the hon. and learned Gentleman meant to say that he contemplated as possible new remedies for the woman might, from time to time, be entertained to fill up the void space left by the House of Lords. If that were the intention of the hon. and learned Gentleman no objection could be taken, as those new remedies would be natural and inevitable from the imperfect manner in which they were at present legislating. He did hope it was not intended to hold out a prospect that new causes of divorce, opening new principles, were likely to be introduced by the House of Lords. It was important that they should know what advice would be tendered by Her Majesty's Government to the House of Lords on the subject.

The ATTORNEY GENERAL said, he would remind the Committee that when he made the observation which was supposed to bear the interpretation that the right hon. Gentleman had mentioned, he was suggesting the propriety of confining these discussions to the limited field covered by the Bill, without attempting to define the existing law. It was in answer to the argument that the existing law did not do full justice to the woman that he used the expression that the Bill, if passed, need not be the end-all of legislation upon the subject. He said that, not as indicating any intention on the part of the Government to make the marriage law a subject for further legislation, but as pointing out the fact that if the condition of woman should afterwards be found to require further legislative interference, there would be nothing to prevent that further interference. As to what the House of Lords would do, the Government, of course, would not presume to dictate to that body; but if the House of Lords was true to itself, and should abide by the rules by which it had hitherto been governed, there would be no room for application to them for divorce on the part of wives, because all the existing causes of interference hitherto recognized by the House of Lords were embodied in the Bill, and even more than those grounds. At the same time, he could not presume to say what the House of Lords in its wisdom might think fit to do upon future occasions.

Lord JOHN RUSSELL: I have heard with much satisfaction the declaration which has just been made by the Attorney General. Of course it was never pretended there was to be finality in legislation, and I do not say that the House of Commons may not at some future time think fit to adopt the Scotch law of divorce or any other principle which may seem to them at that time to be most conducive to the benefit of the country. But what did alarm me was that the hon. and learned Attorney General seemed to imply that the Government which has brought forward this Bill, and asked us, if not to change the legislation, at least very much to vary the principles of law which have hitherto governed us in respect to divorces—the Government of which he was the organ, declared this was not to be the end-all, but that they intended in some future Session to propose some further measure upon this highly important subject. I thought that was alarming, as tending not only to introduce instability into our legislation, but to instil false ideas into the minds of all who have entered or were about to enter into the holy state of matrimony. I am glad to find that no such meaning was intended to be conveyed. [The Attorney General: "Hear!"] Admitting as we must do, that the statement of the Lord Advocate is one of the greatest importance, and that it may be possible that Parliament will adopt the principle which he tells us experience has shown to be so good in Scotland, it is not intended by the Government to carry in a future Session any measure going beyond the present Bill. I think the Committee are very much indebted to the noble Lord (Lord J. Manners) for the Amendment which he proposed yesterday, and which seems to me to change the whole complexion of the clause, and to make the law to resemble more the *Code Napoleon*—a code which had been framed by the Council of State presided over by Napoleon, and which comprised some of the greatest French lawyers. That I conceive to be a great improvement in the law. As to any cases which may hereafter come before the house of Lords upon the petition of the husband or the wife for divorce in particular instances, I think we may safely leave them to the discretion of that tribunal. That House comprises the Lord Chancellor, the Lord Chief Justice, and other eminent and learned personages, as well as the Archbishop and Bishops, who would represent the opinion of the Church, and I do not think they are likely to undertake a case of divorce without some very good grounds, or that they believe it to be a case separate from the ordinary principles of legislation requiring their interference. Such cases might not occur more than once or twice in a century, but when they do the House of Lords can deal with them as they may think proper. I am glad to find that the heat which prevailed at one time has passed away, and that the Government have discovered that those who entered upon minute criticism of the clauses of this Bill were only pursuing a legitimate course of action. I think there were two courses to be adopted,—one was to say, "It is too late in the Session to bring in this Bill;" and the other, "That this is a Bill of such great importance that we must discuss minutely every clause in the Bill." There might have been, indeed, another course, and it might have been said by the Government, "We are determined to have this Bill, but as it is so late we cannot discuss it;" but such a course would not have been defensible. I trust that in the further progress of this Bill we shall have no captious objections taken (and I do not think there have been any), and, on the other hand, I hope the Government will be disposed to discuss any Amendments in the same spirit of candour in which those Amendments will be proposed.

Mr. NAPIER said, that for certain cases a remedy would be given through the House of Lords, but others would be found of equal hardship which would not come within those cases. They could not arrive at finality until they admitted the principle of perfect equality as to divorce between the two sexes, leaving the social danger to be counterbalanced by the hesitation which the wife would feel in applying for divorce. He thought that disturbing the minds of the lower orders by repeated legislation on this matter would be of great injury, and that their best plan would be to adopt the simplicity of the Scotch law.

Clause *agreed to.*

Clause 26 (Adulterer to be a co-respondent: Cause may be tried by a jury).

Mr. PULLER said, he rose to move an Amendment which would apply to this and the 31st clause, his object being to raise the question whether the offence of adultery should be punishable only with fine, as now proposed in the Bill, or whether it was not expedient to impose the heavier punishment of imprisonment. The Committee would perceive that the Bill took a chronological view of what was to be done in carrying out its main provisions. Clause 25 laid down what were to be regarded as grounds of divorce. Clause 26 stated who were to be the parties to a suit. The next two clauses pointed out what the Court was to have proved or disproved, and then proceeded to show what relief could be given to the parties. Clause 31 armed the Court with the power of punishing the adulterer with fine. Now, what he proposed was, that every party brought before the Court who should be proved, to the satisfaction of a jury, to have been guilty of adultery should be liable to be punished by fine or imprisonment, or by fine and imprisonment; and this punishment he would make applicable both in cases of dissolution of marriage and in those of judicial separation. As the Bill stood it was inconsistent with itself. It provided that on the petition of a husband the alleged adulterer should be punishable by fine and accordingly made him a co-respondent; and it gave each of the respondents a right to claim the protection of a jury. But there were no corresponding provisions for the case of a petition presented by a wife. He proposed to remodel Clauses 26 and 31, so that whether the petition were presented by a husband or a wife, all persons accused of adultery should be made respondents and be punishable on proof of the fact. If the Committee made the alleged adultress punishable she must be made a co-respondent to the petition, and in many cases it would be greatly for the advantage of her character that she should be placed in that position. This might be said to be an innovation, but it was an innovation which naturally followed from the changes which were made by this Bill in the legal procedure in these matters. Adultery was now, for the first time during the last 500 hundred years—with the exception of the short reign of the Puritans —made a crime punishable by the State. But how was that principle to be carried out? On the wife who had disgraced her husband's home, who had abandoned her children, and deprived them of a mother's care; on the husband who had added to adultery incest, cruelty, and felony, the Bill inflicted no punishment at all. It gave the injured petitioner the remedy of divorce, but in many cases that would be a boon rather than a punishment to the respondent. The only person who was punished under the Bill was the adulterer who committed adultery with a married woman, and he was only punished by a pecuniary fine, the lightest and the least disgraceful of all punishments known to our law. And yet the crime of adultery stood in the Decalogue between murder and theft, and by the majority of the people was regarded with far greater abhorrence than the lighter class of thefts. Property was protected by the law in every way, but the institution of marriage was entirely unprotected. He trusted the Committee would adopt a more intelligible policy, and do that which was done by every civilized nation in the world. The punishment imposed by the Bill on the person committing adultery with a married woman was a fine, but the effect of this would be fine for the rich and imprisonment for the poor—a circumstance which would not tend to make the Bill acceptable to the people. It was objected that if adultery in the wife were made punishable by imprisonment, the husband would be unwilling to sue for a divorce; but it was not likely that when a husband had made up his mind to expose his wife to the infamy of having her sin published to the world he would draw back from the fear of seeing her imprisoned. The real difficulty which he (Mr. Puller) had to encounter was the reluctance which honourable Members felt to pass a clause which might have the effect of sending to prison, to live upon prison fare, to wear prison dress, and to associate with common criminals women of high birth, courtly manners, and luxurious habits. If punishment were regarded merely as retribution, the loss of home, of children, and of position might be quite sufficient, but as a means of prevention something more was required. The House was now legislating, not only for ladies and gentlemen, but for the middle and, it might be, the labouring classes of England. He believed that if in times past the law had made adultery punishable as a crime, many a poor woman whose life had gone down in misery and shame, might have been saved; and on behalf of every English girl who had been virtuously brought up, he asked, not license to sin with impunity, but that in her hour of trial the law might be to her, what it ought to be to every one, a shield and a defence against her strong temptation to do wrong. The imposition of a punishment would act not only to deter women from committing adultery, but also to deter men from soliciting them, because society would cry shame with a voice much louder than that with which it now spoke against a man who, to gratify his own passions, persuaded a woman to place herself in peril of imprisonment. The responsibility was thrown upon the Committee to decide whether they would leave husbands and wives wholly unrestrained by law, or whether they would do what they could to prevent the crime. Extending, as they did by this Bill, the facilities of divorce, they ought at the same time to take additional precautions against collusion; and what better defence against that could there be than bringing every person implicated in the offence before the court, making each of them liable to punishment, and thus giving to all of them a direct interest in bringing the truth and the whole truth before the Court? In conclusion he must remind the Committee that although the Amendment was proposed chiefly with a view to such an alteration of the 31st clause as would make all persons convicted of adultery, punishable by imprisonment, yet it had also two other objects, that of enabling a husband against whom his wife presented a petition to claim a jury, and that of enabling the woman with whom he was alleged to have committed adultery, to defend her character by making her a co-respondent. It had been repeatedly pressed upon them, that amongst the disgraceful circumstances which belonged to the civil action of *crim. con.*, which they now proposed to abolish, one of the most cruel was, that an action might be brought by a suspicious husband against a man for adultery with his wife without any real grounds at all, and that the unfortunate wife would be obliged to stand by and hear her character discussed, and perhaps blasted for ever, without the possibility of cross examining one single witness. Well, if the Bill passed in its present shape precisely the same injury would be inflicted on the woman whom a wife petitioning for a divorce accused of adultery with her husband. She might be herself a married woman, the respected mother of a family, she might even be living abroad, and in her absence she might be convicted of adultery upon a collusive suit, without either herself or her husband having any knowledge of the proceedings, and might have no resource but writing a letter to *The Times* to protest her innocence.

Amendment proposed ; To leave out the words "presented by a husband" in order to insert the words "for the dissolution of a marriage, or any petition for a decree of judicial separation on the ground of adultery being presented."

Question proposed—That the words "presented by a husband" stand part of the clause.

Mr. HENLEY said, he should not follow the hon. and learned Gentleman into his rather irregular discussion of the 31st clause, which would come hereafter. Setting aside that section, there were other reasons why this clause required Amendment. The clause, as it stood, was entirely one-sided. The Bill provided that a husband should have a remedy against the wife for simple adultery, and the adulterer, by the present clause, was to be made a co-respondent to the petition, and the guilt of the wife and her alleged paramour to be tried by a jury. But what was the case if a wife petitioned for a divorce against her husband, and the offence alleged against the husband must be, not adultery alone, but adultery under aggravated circumstances? Why, there was no provision made for making the alleged paramour of the husband a co-respondent and having the case tried by a jury ; but as the Bill stood, an innocent woman might be alleged by a wife to be her husband's paramour, the case might be tried in her absence, without her being made a party to the suit, and her character might be destroyed, while such an action would be attended with all the scandal which at present disgraced the action for *crim. con.* He did not believe this to have been the original intention, but, he would ask, could there be a greater instance of the carelessness and recklessness with which this Bill had been prepared? Why, one of the grounds on which the House was asked to support it was that it abolished the action of *crim. con.*, and yet it imparted into another action all the scandal of an action for *crim. con.* What he wished to know was

Mr. Puller

whether the Attorney General would be prepared to introduce words into the clause which should place both parties on an equal footing.

The ATTORNEY GENERAL said, he was very glad the subject had been brought under the notice of the Committee, because it was one of great difficulty and not to be too hastily dealt with. It was, however, for the Committee to consider whether the parties to the adultery should universally be all parties to the defence. By the clause the obligation was thrown upon the husband of making the alleged paramour of his wife a co-respondent to the petition, and it was only under certain circumstances that he could be relieved from that obligation. Now, a petition against the husband would contain other allegations than that of adultery alone, and it was only in respect to the allegation of adultery that the alleged paramour could be made a co-respondent. But then came another difficulty. Suppose the alleged paramour of the husband was a married woman, then it was a question whether she could be made a co-respondent without her husband. For his own part, he deprecated multiplying difficulties in the way of an application by the wife. She would have a great many difficulties already to contend against. The husband had means at command which she had not, and in many cases, also, it would be impossible to serve a notice upon the alleged paramour of the husband. It was true that in all cases the notice could be served on the husband himself, but in the event of his running away with a woman who had no known place of residence it would be impossible to serve notice upon her, as no Court would consider a vicarious service upon her paramour as sufficient. If, therefore, an equal obligation were thrown upon both sides, the woman would be exposed to a great amount of trouble and expense which might unduly interfere to prevent application on the part of the wife. The Court would, by the 50th section of the clause, have the power of laying down its own mode of procedure upon the subject ; but he would have no objection to frame a clause if the Committee should think that it would be advisable, to place the woman upon the same footing as the man, the Court, of course, having power to dispense with service of notice on the alleged paramour, under special circumstances. The action for criminal conversation was to be superseded entirely, and therefore it was felt to be right to strip the Court, where the husband complained of adultery, of the power of deciding on the facts, and to impose on it the obligation of having the facts decided by a jury. The wife, also, had a right to complain of adultery when attended with aggravated circumstances, and the question was whether the husband and the paramour of the husband should in all cases have the right of requiring the facts to be proved before a jury. It would be but a truism to say that where a man's character was at stake he should, in the event of his being brought before a judicial tribunal, have the right of having the matter investigated by a jury; but yet how great was the difficulty in such a case thrown on the wife! The wife, though she had been treated by her husband with the most aggravated cruelty, might have no means whatever at her own disposal of obtaining relief, and her connections might be destitute of resources. If she applied for legal aid, a solicitor would probably tell her that to obtain the desired redress she would have to expend £300 or £400; for it must be remembered that the adultery must have been attended with aggravated circumstances, the proof of all of which would be attended with great difficulty and expense. If, therefore, the Committee gave the husband the right of compelling the wife to substantiate her allegations before a jury they would throw impediments in the way of a defenceless and unprotected woman which in many cases might be the means of baffling altogether their humane legislation in her favour. The Bill when before the House of Lords received many important alterations. He was not aware what its state was when first presented to the House of Lords; but he had not thought it right to suggest any alterations in the clause for the reasons he had given. If, however, the Committee desired a parity of procedure in the case of the wife, he should be most happy to throw the clause into that shape; but he could not help placing before them the difficulties to which he had alluded for their consideration. He would put a case which might frequently happen. Suppose a wife applied for redress, produced her own affidavits and the affidavits of her own maid-servant, who might have witnessed some of the grievous acts of cruelty to which the wife had been subjected; and suppose, too, the adultery of the husband had been a notorious thing and was easily capable of proof. In that case, the husband might not file a single affidavit in opposition, or contest any one of the allegations made by the wife; yet if the Committee were to lay down the rule to which he had referred, the husband might say that those were all questions to be tried by a jury. That, he submitted, would be a hard case against the wife, and, as he had said, a serious impediment in the way of her availing herself of the humane legislation which had been passed in her favour.

MR. AYRTON said, he had heard with great alarm the statement of the hon. and learned Attorney General. The Committee had now before them two distinct propositions. The first was whether the adultress should be brought before the Court in any proceeding to be instituted by the wife. On that point it appeared to be the general opinion of the Committee that in some cases it would be desirable to bring the adultress before the Court, but that it should not be made compulsory on the wife to bring her before the Court in all cases. He came, however, to the more important question of the two—namely, the right of any person accused of an offence to demand to be tried by a jury. The Attorney General in this case had suggested that that right was to be qualified simply on the ground of expense. He (Mr. Ayrton) could not understand on what principle a procedure was to be defended which directed that a man should be tried on accusations vitally affecting his *status* in society without the intervention of a jury, simply on the ground of saving expense to the party who came forward to prefer these accusations. It was a doctrine which he would venture to say had been stated for the first time in the House of Commons that any tribunal might convict a man of rape, bigamy, or incest, without the intervention of trial by jury. The Government had opposed the proposition previously made in the Committee, that a man was to be previously convicted of any of the crimes cited in the 25th clause, as giving the wife the right of divorce before any of those crimes could be imported into a proceeding for a divorce. If that proposition had been adopted, the husband offending against the law would have been brought before a Criminal Court without the prosecutor being necessarily put to any great expense. That proposal, however, had been rejected, and the Committee were now asked, on the ground of a saving of expense, to send the offending husband to be tried before three persons on such vital accusations as those to which reference had been made. He thought that was a proposition to which the Committee would never assent. If the Committee would look to Clauses 27 and 28 it would be seen that it was quite impossible to limit the right of trial by jury to the mere fact of adultery, and that the question of connivance, which was intimately connected with the adultery, should also be submitted to a similar ordeal. The whole question of trial by jury, with regard to the provisions of the Bill, must be fully reconsidered.

Lord LOVAINE said, he wished to ask whether, in the case of a man bringing forward matter to rebut the accusation of his wife, the Judges of the Court would, certainly, as of right, order the circumstances to be investigated before a jury?

The ATTORNEY GENERAL replied that the Judges would not be bound on any occasion to direct a trial by jury; but, following every rule of procedure hitherto observed, they would, doubtless, take that course.

Mr. BOVILL said, he would remind the Committee that the House of Lords always required that the facts of the adultery should be clearly established to the satisfaction of a jury. [The Attorney General: Yes, where the husband is the applicant.] True—but he would also beg to call the attention of his hon. and learned Friend to the circumstance that in the last case, where an endeavour was made by some of the Judges to determine adultery upon affidavits, it was found impossible to do so, and after long investigation and considerable expense they were compelled to have the evidence given orally in Court. Therefore when a constitutional tribunal had the fact of adultery ascertained by a jury he thought it would be monstrous now to say that there should first be investigation upon affidavits, and then, at the discretion of the Court, that a jury should be afterwards summoned.

The ATTORNEY GENERAL said, that he did not oppose the suggestion, he only wished to have the opinion of the Committee. He would not object to insert the words, "The Court, if it think fit, shall have power to order that the party with whom the husband is alleged to have committed adultery shall be made a party."

Viscount PALMERSTON stated, that he proposed that the House should meet to-morrow for the purpose of advancing unopposed Bills a stage, and that the Divorce Bill should be proceeded with on Monday at noon.

Mr. Ayrton

House resumed. Committee report progress; to sit again *this day* at six o'clock.

PROBATE IN THE THREE KINGDOMS.
QUESTION.

Mr. HADFIELD said, he wished to ask whether it is intended that probate taken out in England shall extend to Ireland, and also whether it is intended that the Scotch confirmation shall be operative in England.

The ATTORNEY GENERAL said, that a clause extending English probate to Ireland, and Irish probate to England, would be introduced into the Irish probate Bill. With respect to Scotland the difference in the law was very great, and it was therefore not his intention at present to propose that the Scotch confirmation should be operative in England or Ireland. That must be a matter for future consideration.

EUPHRATES RAILWAY.
OBSERVATIONS.

Mr. SOTHERON ESTCOURT said, he was compelled by the pressure of public business to avail himself of the only opportunity afforded to him as an independent Member to bring forward a Motion which, in his opinion, was one of great national importance. He should, therefore, conclude by moving the adjournment of the House till Monday next. In endeavouring to bring forward the question in which he took so deep an interest he had met with great and frequent disappointments. Twice when he had precedence on the list the days were converted from a Motion day into an Order day, and on another occasion he had been prevented from proceeding by the unavoidable absence of the noble Lord at the head of the Government. But now at last he had the opportunity for which he had long wished, and he trusted the House would pardon him if he took the somewhat irregular course of bringing forward so great a question on a formal Motion for adjournment. Considering how their time had been employed for the previous forty-eight hours, he was inclined to hope that the House would not be very angry if he interposed a rather more agreeable topic, and would not object to follow him from the dreary waste of domestic grievances into the pleasant and classic groves of Daphne. Before, however, he came to the subject matter, there were two preliminary matters upon which he wished to set himself right with the House. The first concerned himself. If any hon. Gentleman had taken notice of the range of subjects with which during the many years he had enjoyed the honour of a seat in that House he had occupied himself, he would find them to have been of a very limited and ordinary kind, referring for the most part to the every-day habits, and, as he believed, the comforts and well-being of his fellow subjects. It might, perhaps, be therefore considered presumptuous in him at that time to venture on so great a task as that of endeavouring to advocate in Parliament the question of a new alternative line or highway to our possessions in the East. But he had one excuse. A dear brother of his, who had since lost his life in the service of his country in the Crimea, was one of a body of men which was sent out some twenty years ago to explore the line of country through which this alternative line must pass. He (Mr. Estcourt) could not avoid learning from his brother something of the locality, and the main points of the question, and when his brother's old commander, General Chesney, some six weeks ago applied to him to bring forward the question, he did not feel that he had a right to refuse. That was simply the reason why the House had then this question laid before it by a person who had hitherto taken a comparatively humble part in its debates, instead of by such a man as the right hon. Member for Oxford University, or some one of the right hon. Gentlemen on the bench below him. So much for himself. With respect to the next point, he dared say there were many persons in that House—he knew there were in the country—who took an interest in what was called the Suez question. Now, before he said a word in favour of the Euphrates Railway, he wished emphatically to declare that, in as far as he could understand, the line through the valley of the Euphrates was not a competing one with that across the Isthmus of Suez. Let them look at the map. Suez was the natural route to the lower part of India with Ceylon and China, and would have full employment in the immense traffic which could be collected in the Red Sea, whereas the line he was then endeavouring to advocate would pass in an almost straight course to the northern parts of India, and then, it would be his business to show, that, whether looked at from a commercial point of view, or from the political point, which was his, there would be found ample reason for establishing this alternative northern line, as well as that across the Isthmus of Suez. There were two propositions connected with the subject which could not be disputed. One was that it was the interest of Great Britain to furnish to her own people at home and in India the straightest and most direct means of access one to the other. The second proposition was, that the line through the Euphrates Valley offered the straightest and most direct means of access. In the observations he was about to make, he should confine himself mainly to the second proposition. Let any man draw a straight line from Bombay to London, and he would find it pass along the banks of the Euphrates. Now, when he compared the Euphrates with the Suez route, it was not with a view of disparaging the latter, but merely as a means of contrast. Comparing, then, the Euphrates with the Suez route, it would be found that there was a distance of 900 miles in favour of the former; that was to say, an actual saving of from four to five days in point of time. But that was not all. During six months of the year the wind blew directly in the teeth of any one who sailed from Bombay to the Red Sea, and the strait through which they passed was well called "Bab-el-Mandeb." In the Red Sea itself the wind was still more directly opposed, and to avoid it, ships were obliged to take a course which further lengthened their distance by 600 or 700 miles. Therefore, in one half the year there were four or five days, in the other half from five to ten days of direct geographical difference. Ten years ago a difference of four or five to ten days might not be considered to be of much importance, but at the present moment, when many an aching heart was watching hour after hour for despatches from India, could any man say that five or ten days were not a matter of consequence. But it was not merely a question of the anxiety of private individuals. He was speaking to the council of the nation, and he would not press the material interest which great Britain had in rapid communication with Bombay. Not to dwell then on the physical parts of the question, he would put it in a moral point of view, and he said that it was the duty of this country, having millions of subjects in India—and India must soon become an integral part of our dominions—it was a moral duty to give to our subjects in India every facility of access to the mother country. He thought then that there would not be much dissent to the proposition, first that it was our duty to establish direct communication with India, and second, that the Euphrates Valley was the most direct route. He came now to the main point of the question—could it be done? He trusted he should not weary hon. Members by taking them along the route. Coasting along Syria they would find the river Orontes, with a harbour at its mouth, called Seleucia, which would not cost this country one farthing, because the Turkish Government had undertaken to fit it for their purpose, and he should add that it had already been surveyed by eminent engineers. They would then go by the Orontes to Antioch, and to that point he would say there were no difficulties of which an engineer would make anything. You would have to pass five or six times across the river, but that was not difficult, and now it was expected that you would easily be able to complete the works in twelve months. From Antioch you would then have before you a long range of level country, and pass over the lowest spur of Mount Lebanon at a height of only 1,100 feet above the level of the sea. Then you would debouch into the great plain of Mesopotamia, where the soil was hard and level, and the territory divided between the Sultan and the independent Sheiks. In short, he believed that on the whole surface of the globe they would not find so many miles as favourable for engineering purposes. The present proposition was to rest content with carrying the line to the banks of the Euphrates, a distance of 150 miles from the Mediterranean Sea. The Euphrates had been thoroughly surveyed, and found favourable for navigation. English iron ships were now plying upon it, and it had been navigated by English vessels for a period, more or less, for twenty years. No doubt the river was in some parts shallow, and he had seen it in a recent publication represented as a series of pools. Well, that might be so; but if there was a stream sufficient to admit ships of traffic, that was all that would be required. He had seen the Report of an engineer, who stated that, even at the periods of the year when the river was shallowest there was sufficient draught for vessels of tonnage capable of carrying passengers and light goods. From the point where the railway would stop the route would proceed to Koornah, in the Persian Gulf; at Koornah there was an Indian flotilla, he might almost say an actual navy. Arrived at the Persian Gulf we entered an almost inland sea, nearly land-locked, and exposed to none of the difficulties which we usually encountered in the Red Sea. It was, in fact, almost a lake. After passing the Persian Gulf, they had within an easy distance the port of Kurrachee, which those acquainted with the East believed would, before many years, become the great emporium and entrepôt of British commerce and traffic to India. It had deep water, and was situated in the Delta of the Indus, that wonderful river which, rushing down from the mountains at Cabul and the Himalaya, was navigable for a distance of a 1,000 miles, and seemed to be designed for the great highway of commerce in that region. The Minister who should be so fortunate to have it in his power to found the greatness of Kurrachee by encouraging this railway, would deserve for himself a niche in the temple of fame, as worthily as Sir Stamford Raffles, the founder of Singapore, or as Alexander the Great, the conqueror of the world. From Kurrachee the line was already settled, and every arrangement made for the formation of the route. Indeed they were actually laying down the railway from that point up to the deep waters of the Indus, where a flotilla would be provided to carry on the traffic to Moultan, and thence to Lahore, Now what position did Lahore occupy? Why it was the apex of a triangle, with one foot resting on Kurrachee and the other upon Calcutta. From Lahore to Calcutta a railway was already made, and from Lahore to Kurrachee railway communication had been commenced. By that triangle communication would be established between Calcutta and Kurrachee, which seemed destined hereafter to become the capital of India. He could assure the House that he did not advocate this undertaking as a commercial or private speculation, but as a national and political object. But, viewed in the former light the enterprise promised to be successful, since within the last five years the exports of Kurrachee had increased twelve-fold. But he ventured to advocate this railway not as a private speculation, for he had no shares or pecuniary interest in it, but as a great national object. If he could not satisfy the House that it was such an undertaking, he would admit that he would not have a leg to stand upon. It was absurd to ask for a Government guarantee for a railway through this country, but the proposed line ran through Turkey, and the projectors could not be expected to spend their private means in carrying it out unless the Government said they would make it a national concern, and would undertake that, when it was completed, the projectors should not be deprived of the fruits of their industry by any diplomatic parchment, or by any incident which might naturally be expected to arise in a foreign country. He was told that the real obstacle in the way of the Government giving such an undertaking, arose out of the circumstances of the railway passing for sixty miles through a country inhabited by the Arabs, and where there was no security against the predatory incursions of those hereditary freebooters. The Arabs had a prescription of 4,000 years in favour of their predatory habits, and it was not to be expected that they could be overcome all at once: but 100 years ago the Scotch Highlanders were just as great freebooters. How were they dealt with? They were paid subsidies, or what was called black mail, and then there was no fear of their annoyance. Could not the Arabs be treated in the same way? Those who had lived amongst them declared that they possessed this quality in common with the rest of the human family, namely, that if you could make it plain to their understandings that it would be better worth their while to be guardians than robbers, they would become the former, and adopt that course which would bring most grist to the mill. A large part of the sixty miles was the property of native chiefs, and there would be no difficulty in obtaining their permission to pass through, when they were made sensible of the advantages of the railway, and backed up by the argument of the breeches pocket. At the cost of only a small annual expenditure such terms might be offered to the Arabs as would induce them greedily to crowd round and tender their services to act as guardians of the railway. He made that statement upon the strength of such authorities as Captain Lynch, Mr. Ainsworth, and Sir Justin Sheil, who had lived amongst them, and who spoke of them as being trustworthy to a high degree. An English doctor at Bagdad said he treated the apprehension that was felt respecting the Arabs as a mere bugbear. General Chesney, who lived among them many years, employed them frequently in carrying treasures, and never lost a farthing. His testimony was, that although an ordinary stranger travelling among them without any particular object would be liable to be robbed, yet that any one who went to them with a public character and as a benefactor would find them to be trusted. His hon. Friend the gallant defender of Kars also knew the Arabs well, and he hoped before the discussion closed, he would give the House the benefit of his experience with regard to them. But granted that it was desirable to make the railway, he might be asked what specific proposition he intended to bring forward. Well, he had been in communication with the parties, who had taken up the question in a commercial point of view, and the real position of affairs was this. A contract had been entered into to make the railway from the Mediterranean to the Euphrates, a distance of 150 miles, for £1,100,000 in round numbers. The sum required to be raised by the promoters was £1,400,000, the additional £300,000 being for interest accruing in the three years during which the railway would be under construction, for engines, rolling stock, and other expenses, which must be incurred prior to working the railway. The Turkish Government had already given the promoters a guarantee of six per cent on their outlay. There were some hon. Members in the House who knew whether Turkey could be depended upon to fulfil her promise; he was himself assured by those who were well acquainted with Turkey that she was to be trusted; but supposing she were not, or supposing the state of affairs at Constantinople did not admit of paying £70,000 a year, there would then be the security of the customs duties of the Porte which were payable at Aleppo, to be received by the railway company, which would realise more than £70,000 a year. Moneyed men, however, were very distrustful, and might say that this was all very well so long as we were friends with Turkey, but supposing political events should interrupt the harmony at present subsisting between England and Turkey, what then would become of the guarantee? That was precisely the reason why he made this appeal to the House; it was to guard against the consequences of such an event that he now brought the question forward. He did not ask for any specific sum; he did not ask for a guarantee, but what he wanted was an undertaking that if this private enterprise were carried out, it should be assisted by the State in the early stages of its existence, so that it should not be overpowered or done up, if he might so use the expression, for want of a little encouragement and support from the mother country. He found, by a memorial of Sir Justin Sheil, that the expenditure upon the line would be spread over three years, and what he wanted the Government to do was to promise assistance if the means of the company should be found to be deficient: the expenditure in the first year would be £200,000; in the second £300,000, and in the third £800,000. When the three years were passed the railway would be completed, and the customs duties to be received by the railway would pay the interest on the capital. Now, what he asked the Government was this: if in the course of making the line, or perhaps a year or two beyond that, it should be found that the means of the company were insufficient to supply the interest, would they make up the deficiency, not exceeding a certain sum? According to the calculation of Sir Justin Sheil, under any circumstances the deficiency, if any should arise during the progress of the railway, could not exceed £100,000. When this trifling sum was compared with the amount now being expended to provide transport to India, it seemed as if the two charges could not refer to the same subject. Had this railroad been established five years ago, we should, within thirty days of receiving information of the mutiny, have been able to pour 5,000 men from the garrisons of Gibraltar, Malta, and Corfu, into the heart of India. Rapidity of communication was everything in dealing with a mutiny or a revolt, and 5,000 men arriving within a month would, probably, have immediately turned the tide of events in our favour, while 30,000 reaching India at the end of three months might—he hoped that such would not be the case—arrive only in time to grace the triumph of an insurgent population. Then, let them also observe what an effect the construction of this railway would have upon our relations with foreign countries; what support it would give to our old ally, Turkey. The Sultan was now the nominal sovereign of Central Asia, but from the distant Pashas of Bagdad and Mosul he could scarcely exact more than a small tribute and an unwilling submission. Let this railway be constructed, and these chiefs must entirely submit to the Government at Constantinople. Look at Persia. There was no reason for our being at loggerheads with Persia; but every eight or ten years we found, almost without explanation, that our Minister was turned out of the capital, and that we had to go to war without knowing anything of the enemy we had to contend with. Why was that? Why, because England was at a distance, and Russia was close at hand. It then would give us a stronger hold upon Turkey; it would bring us into closer vicinity with Persia, and avert wars which were got up solely because Russia was near at hand, while England was at a distance; but, above all, it would enable us to counteract easily any of the designs which Russia was supposed to have upon India. For take the case with regard to Russia, and suppose that Russia ever had the power of sending an armament from the Caspian Sea to the frontiers of India, why this railway would furnish the means of conveying troops with greater rapidity even from London, and more easily still from Malta or Corfu, to Lahore and Mooltan, which commanded the two gates of India. Therefore, he said that in a political point of view it was of the first consequence to us that we should adopt this railway. But did this railway pass through a country with which we had no present connection? Had not this country kept up a line of agents along this valley of the Euphrates for years? Had we not at this moment a chain of consular agents right through the valley at Bagdad, at Aleppo, at Antioch, and elsewhere, and would not the influence of these be strengthened by making this railway? It was well said by the noble Lord at the head of the Government, in a speech which he delivered at Manchester last autumn, that it was by means of railways that the arts and civilization of the western world would be extended to the East; and this railway in particular would be the chief agent by which Great Britain would bind herself to the populous and fertile nations of the East. There was a vast difference between a communication established for military purposes only, and a railway established by private individuals with a commercial object, but made subservient to military ends. If the railway were to be established for military purposes alone, all the world would look upon us with distrust; but this was to be a commercial speculation alone, established by private individuals for trading purposes. He had thus endeavoured to put before the House the principal reasons which induced him to press this subject upon the attention of the Government; and in doing so he had abstained from making a comparison between the character of the countries through which the respective lines would run. He might be allowed, however, to say this much, that looking at the relative value and productive powers of the two countries through which the lines passed it would be found that the advantages were greatly in favour of the Euphrates Valley line. From the Isthmus of Suez to the Red Sea the land was totally unproductive, whereas the land through which this line passed was proverbially the richest in the world. It was the land where vast granaries had been established for centuries. In England not a single railway had ever been made in which the actual traffic had not been double the quantity of the original estimate; no doubt the same would turn out to be the case with this railway, but to a greater degree, because hitherto the country through which it passed had been without all means of communication, except the miserable camel caravans. In order to show the House the extent to which commerce was carried on he might mention that Sir J. M'Neill had observed that the average number of laden camels entering Aleppo every working day was 1,000, while the value of the exports and imports of that town amounted in one year to £2,000,000 sterling, and Aleppo was only one of the points through which this line would pass. He did not, however, bring forward this question as a commercial speculation alone, but as one which, from its general bearings, was well worthy the consideration of the House, and he thought that it would be a gross neglect of duty to the country and to succeeding generations, if a misguided economy prevented the Government from giving a promise to support this railway when once formed. He knew that it might be said that the present moment was inopportune; that every shilling of the resources of Great Britain was required to put down the rebellion in India, and that the work was one which ought not to be undertaken except in a time of peace and tranquillity; but if he knew anything of his countrymen, or of the spirit of the Members of that House, he was sure they would agree with him that this was precisely the moment for undertaking such a work. England was at the present moment an object of interest and anxiety to the world. It was said by some that the glory of the country was gone, that the brightest gem of the British Crown had been attacked, and that the force of England would not be sufficient to restore her to the position which she had occupied. Surely such was a proper time to give the world a proof of pluck and constancy; and what better proof could be given them than by commencing a work which would give this country the firmest grasp upon India which it was possible for her to hold? and he hoped, therefore, that the present Session would not pass without the Government giving their sanction to the scheme. He begged pardon of the House for having occupied their attention at such length, but he begged to assure them that it was only his deep sense of the importance of the subject which had induced him to trespass so long upon their attention.

MR. CRAWFORD said, that as he possessed some acquaintance with the facts, upon which depended the merits of the case brought before the House by the hon. Member who had just sat down—an acquaintance founded upon a long commercial connection with India—he trusted he might be permitted to obtrude some observations upon the House. In the first place he must remark, that while the House had been favoured at much length with a dissertation on the merits of a very chimerical railway scheme, no allusion had been made to that which he thought at the present moment was of far greater public interest than the connection of this country by railway with India. He alluded to the establishment of telegraphic communications with India, a subject possessing for us at this moment immense interest. The hon. Gentleman had alluded to the great importance of establishing our communications with India on a more perfect system than at present. It would be an idle waste of time if he (Mr. Crawford) were to dwell upon the importance of such a topic; but he was sure there was not an individual in this country who would not readily appreciate on the one hand the great political advantage of railway communication with India, and on the other the comfort of being enabled to receive, instead of the present spasmodic scraps of news, intelligence every morning of what was going on in that country. He should venture to make this remark, that communication of that character was an undertaking which ought not to fall into the hands of the Government, but should be taken up and carried out by private agency; but, on the other hand, that the State should in some measure assist in the establishment of such an enterprise. He would venture to suggest, in that view, that the experience of railways in India was well worthy of being followed upon the present occasion; and that it was the duty of the Government to give facilities for telegraphic communication with India on the same grounds as those afforded by the East India Company for the formation of railways in India—that is to say, that the Government should undertake a certain portion of the risk which must necessarily accompany an enterprise of such a character, and that they must take a recompense for that risk by a priority of communication on all occasions; and in order to prevent any misuse of the telegraph, that the Government should be represented at the Board of Management. There were at the present moment before the public, the Government, and the East India Company, two proposals for telegraphic communication with India; one was for a telegraphic line by the valley of the Euphrates; the other proposal was for a line by Suez. The two projects were identical in this respect, that they both professed to take their departure from Alexandria, and bring their communication into India from Kurrachee. He had no interest in saying that he believed the Red Sea line would be the best. Having stated his opinion in very general terms, he should not detain the House. He should, however, remark that he thought there was rather a covert attempt made to elicit an expression of opinion from the House in favour of the Euphrates line; and having said that much, he should ask the House to draw their own conclusions by comparison as to the respective value of the two lines. If Government should see fit—or rather, if Parliament should see fit—to authorise the Government to concede that assistance to the company engaged in forming telegraphic communication by the Red Sea—private individuals being ready with the whole of the money for that purpose—the company would be prepared to lay down within a very brief period—perhaps less than twelve months—a line throughout to Alexandria. There might be some curiosity to know in what way the service was to be carried on between Alexandria and this country. A company had been formed for the purpose of constructing, under a firman from the Turkish Government, a line of telegraph from the Hellespont to Alexandria, which would complete the proposed line of communication to this country. He felt it to be his duty to make these observations to the House so that they might see it was not only possible but practicable to put this country in telegraphic communication with India; and that there were parties who were ready and willing to carry it out.

MR. GLADSTONE said, he had watched with great interest the vicissitudes which had attended the Motion of his hon. Friend opposite, because it seemed desirable to discuss on one and the same occasion all the subjects germane to the question which he wished to raise. Although, therefore, the course which his hon. Friend had taken, in bringing on his Motion at last, was somewhat irregular, he (Mr. Gladstone) could not but admit that he was perfectly justified by the circumstances of the case; and at the same time he would say, that the ability and clearness which the hon. Gentleman had displayed in putting the matter before the House showed that a more judicious choice of an advocate could not have been made by those interested in the Euphrates Valley Railway. He must confess, however, he had listened with something like apprehension to the statements of his hon. Friend—an apprehension which was increased by the statements of the hon. Gentleman who had preceded him, and who seemed to take it as pretty nearly a settled question that the nation was to give money or money's worth in this matter. Now, he did think the House of Commons should regard with very great jealousy the use, by Members of Parliament, of the advantages which their Parliamentary position gave them, for the purpose of urging in their places and recommending to Government and the country undertakings which, however beneficial they might be in a philanthropic, or however useful in a political point of view, yet were substantially commercial undertakings, and ought to be left to stand or fall as such. With respect to the statement of the hon. Member for Wiltshire (Mr. S. Estcourt), he was thoroughly glad that, whatever his hon. Friend asked for, he did not demand a guarantee. His hon. Friend asked for cash down, and though it was, perhaps, to be wished that he had, as the Scotch said, more distinctly condescended upon the amount, still one could understand a request for cash, while he (Mr.

Gladstone) viewed a guarantee with an instinctive aversion and almost horror. He repeated that the request for cash would have been more acceptable had it been more definite. His hon. Friend had drawn a distinction between the prudent and wary capitalists who had taken the whole of the shares and were ready to execute and to manage the whole line, but who had not authorized him to state any particular sum, and Sir Justin Sheil, who said that the whole cost would not exceed £100,000. Now, it was satisfactory to know Sir Justin Sheil's opinion; but he must say he was disposed to ask whether that gentleman advanced the capital, or was prepared to be responsible if his calculation broke down?

MR. SOTHERON ESTCOURT: It was not Sir Justin Sheil's calculation; I should have said Sir John M'Neill.

MR. GLADSTONE observed, that both gentlemen were worthy of the greatest respect; but whatever might be the abilities and the character of Sir John M'Neill, it was quite impossible that he could make a responsible statement to the House on this subject. After all, however, this was not the point. The House was not called upon at the present moment to declare that it would never, under any circumstances, advance money for an undertaking of this kind. Hon. Gentlemen were not called upon to pronounce absolutely in the negative, but he was quite sure they were not in a condition to pronounce in the affirmative; and, although the appeal of his hon. Friend was naturally made to the Government, yet he knew the Government incurred unpopularity by the rejection of philanthropic undertakings, and he thought independent Members ought likewise to give their judgment where they saw cause. However, let the proposal, when it assumed a definite form, come before the House in a regular manner,—for he did think it would be a safer course if those who felt an interest in such subjects were to make their wishes known to the Government, and then be prepared to defend any proposal the Government might make, instead of themselves venturing to recommend commercial undertakings by Motions in this House. He would do both the hon. Gentlemen who had introduced this question the justice to say that they dwelt much upon its political aspect. But the whole plan was essentially commercial, and must be so dealt with. That led him to a consideration of the principles upon which it appeared to him that prudence absolutely demanded they should proceed in regulating the political relations of this country with the East. His hon. Friend had gone very far in describing the political advantages which his plan would entail. By it, he contended, they would not only have a most rapid communication with India, but easy access to Persia, proximity to Russia, control over all the country traversed; and his hon. Friend even went so far, in what might be termed his philanthropic enthusiasm, as to describe this railway down the Valley of the Euphrates by an expressive and well-known English household phrase, as a portion of the Queen's highway. It was to be remembered, however, that the Queen kept order in, and had control over, the Queen's highway; and the great difficulty about such a plan as this was, that when the purse of the English nation was bled to find funds for the purpose of promoting, directly or indirectly, commercial undertakings in foreign countries, you then at once laid a distinct ground for the political interference of the British Government with the Government of those countries. With respect to the policy of this country in the East, there were three rules which, as far as he could see, it ought to be the study of Her Majesty's Government always to observe. The first—and perhaps the most essential of all—was, not to give a handle to other nations for alleging that we are setting an example of interference with their government and domestic affairs. That was exactly the rule against which he was afraid we should offend, if we were led to support by a pecuniary grant, but especially by a guarantee, the construction of a line of railway through the Turkish empire. It was impossible to deny that, by connecting themselves with such an undertaking, the Government created an interest on the part of the taxpayers of this country, who, if they were called upon to contribute to a scheme of this sort, had a right to know what had become of their money, and to call upon the Government to take every measure in their power, even by resorting to force, for the purpose of preventing mismanagement or misgovernment, and of seeing that this railway was properly dealt with. The bad example thus set to other nations, whose policy it might be to make a dishonest use of this plea, would be extremely mischievous. The Government, therefore, ought not to entertain a proposal of this kind, as long at least as it remained in a vague and shadowy shape. If the time should ever arrive when the House was called for such grants of money, those grants should on no account be permitted to carry after them political rights or the presumption of such rights. Another rule which should guide our policy in the East was, that we ought to endeavour to maintain that union and concord of European opinion on the subject of Eastern policy which were so happily established during the late war. When the subject of the Suez line in connection with the Suez Canal was lately brought forward in the shape of a question in that House, the answer of his noble Friend at the head of the Government was represented to have been—first, that the project was impracticable, and a bad commercial speculation; and next, that it ought to be opposed by British influence on political grounds, with a view to the retention of our Indian empire. The opinion of eminent engineers, he believed, upheld the first part of this answer. The House ought to deal with this project, as well as with the Euphrates Railway and the telegraphic scheme, mainly as a commercial question, and they might rely upon it that the best judges of the merits of a commercial speculation were the private individuals who were invited to invest their capital in it. If this project were turned by the Government into a political question, there would be the greatest danger of breaking up that European concert and concord which were of paramount importance in regard to our Eastern policy. He (Mr. Gladstone) was not, perhaps, qualified to give an opinion as to whether the Suez Canal would be advantageous to this country; but no man, however, could look at the map of the globe, and deny that a canal through the Isthmus of Suez, if practicable, would be a great stroke for the benefit of mankind. It had the assent and goodwill of every Government in Europe, and especially of France, our great ally. Could anything, then, be more unfortunate than that we should have squabbles at Constantinople between the British and the French ambassadors on this subject? With respect to our Indian possessions, it was to be hoped that the whole strength and vigour of this country would never be wanting to make the requisite efforts for their maintenance, and that as long as we had duties to perform to mankind in those regions, sacrifices would never be grudged, or even counted of importance, in the fulfilment of such obligations. But let us not create in Europe an opinion that the possession of India by Great Britain was something to be upheld by opposition to measures that were beneficial to the general interests of Europe. Let us not create that fatal antithesis and contradiction, because it would do more to weaken our hold upon Hindostan than ten such mutinies as that which had just occurred. When he gave notice, some hours ago, of his intention to put a question to the Government relative to the Danubian Principalities, he was not aware that that subject had been touched upon in another place last evening; for he confessed that his close attendance in the House had left him no time for the discharge of that first duty—if it was not, indeed, the whole duty of man—that of expending a couple of hours in the perusal of the daily journals. He had already referred to the two cardinal rules which should govern our Eastern policy; but there was a third, of not less importance. It was, that where England had an influence to exercise on the affairs of the East, she should not repose her entire, or even her principal confidence, on armed intervention to prevent the aggressions of Russia upon Turkey, but should endeavour to raise up such living barriers as might effectually interpose between Constantinople and the Russian empire. The question he was about to put to his noble Friend was, whether it was the intention of Her Majesty's Government to produce, at a very early period, papers respecting the subject of the Principalities? There were reasons why the noble Lord, if it was in his power, should strain a point to furnish the House with authentic information on this question. Nearly two years and a half had elapsed since the restoration of peace, and very great delay had occurred with respect to the settlement of the Principalities. The causes of that delay had been mainly beyond the control of Her Majesty's Government, and he did not make it a ground for censure. But a lively interest was felt in this country and in the House on this subject. It was impossible that England could regard with indifference the fate of two provinces which had vindicated for themselves political freedom, not indeed in its perfection, but to a considerable degree, amid surrounding slavery; and which had, at all events, laid within their own borders a foundation on which we might hope to see Christian institutions and Christian liberty flourishing and setting an example to less favoured countries in that quarter. In connection with this question, he could not help mentioning some portion of the London press with honour. One journal in particular—the *Daily News* (and probably the same remark applied to others)—had striven zealously and consistently to foster the growth of the feeling in this country to look with anxiety and interest to the settlement of the Principalities. As long as his noble Friend was not at liberty to supply them with authentic information on this question, they were of course reduced to depend upon—perhaps to be the victims of—intelligence at best but partial, and, it might be, not wholly trustworthy. And unfavourable impressions with respect to the views of England were likely to gain currency, until Her Majesty's Government had had an opportunity to correct them by an exposition of their policy. What has recently happened?—The elections have recently taken place in Moldavia for the purpose of giving effect to these provisions in the Treaty of Paris with respect to the Principalities, for which both my noble Friend the Member for the City of London and likewise my noble Friend the Earl of Clarendon deserve the greatest credit—those provisions under which it is stipulated that the will of the population itself shall be ascertained, and that that will, when ascertained, shall, subject to the suzerain rights of Turkey, be made the basis of their institutions. Well, what does the world know of these elections? It knows that they have taken place by virtue of that treaty in Moldavia, and that the majority of the Powers of Europe, including France, have protested against them; that England (and when I use the word "knows" I should rather use the word "supposes") has been engaged in supporting these elections, that it has finally been decided that these elections should be quashed, and that that decision has been come to in consequence of the influence of the Emperor Napoleon. Now, Sir, I earnestly hope that it will be in the power of my noble Friend when the time comes to alter and correct impressions such as these. But we are liable to be supplied with information of a partial character. I hold in my hand a volume of documents which has been forwarded to me, and which indicates the way in which these Moldavian elections, now happily crushed, have been conducted. I will just point out to the House in a very few words the statements that these documents embody as to the proceedings which have been going on in Moldavia. Now, the first of these is the declaration of a certain Monsieur Frimo, who had been the head of the police in the city of Niamtzo. He says that he was named in December, 1856, prefect of the district of Niamtzo, and that he received this order from head-quarters when he was named prefect:—

> "By virtue of your office I order you to labour without ceasing against the foolish idea of the union of the Principalities, and to use all your efforts in order that the inhabitants of your town may become adversaries of the union."

He then goes on to say,—

> "He enjoined me to exert myself, in concert with two other persons who knew all the Unionists and anti-Unionists of the place, to menace and caress, *per fas et nefas*, in order that there might not remain a single partisan of the union among the inhabitants of the city from first to last, for otherwise I should be dismissed from my office."

Now, if that be true, that indicates a most scandalous and shameful course of proceeding. It is a scandal if that temporary machinery which was set up under the Treaty of Paris, in order to give free scope to the will of the Moldavian people, has been employed for the purpose of unduly influencing the elections in favour of the views of Austria, which was opposed to the union of the Principalities. I have quoted that from the 98th page of the book. Nearly in the next page I find another document, from an official person named Palladi, who writes to the Minister of the Interior, at Jassy. He says,—

> "Bazile Popovitz, in passing by Bakeo, has commenced to harangue in favour of the union in public places and afterwards betook himself to the *arrondissement* of Upper Tazleon."

He then goes on thus:—

> "The undersigned, acting in conformity with the instructions he has received, has taken the measures which are necessary, and has put him under arrest."

So that a man whose political opinion is in favour of the union—and that was the question that was to be tried—is by an official person laid hold of and put under arrest, if this information be true. Well, then, what says another gentleman, who is deputy of the Bishop of Roman? The deputy of the Bishop of Roman, on the 14th of April, 1857, in writing to the Rev. Father George Dimitrio, Archpriest of Decutsch, says—and I hope the Liberal Members of this House will listen—it was the duty of those who discharged public functions to maintain themselves *dans une ligne de conduite conservatrice.* He then goes on,—

"You, on the contrary, express yourself without the least reserve and in all freedom of conduct, which gives rise to combination. We, therefore, give you to understand that from the present date you are liberated from the functions of arch-priest."

I will only trouble the House with one more case. In page 103 of the same book I find that Etienne Dascalescon, a boyard and proprietor of Fokschani, describes the conduct of a certain Monsieur l'Ispravnick, an official person in his neighbourhood. The declaration of this Etienne Dascalescon is dated the 28th of March, 1857. He says on Tuesday, the 26th of March, Monsieur l'Ispravnick invited to his own house the most considerable of those merchants whom he supposed to be favourable to the Unionist party, and after having held forth to them against the union, he finished the conversation by advising them to mind their own business—that is, in the strict sense of the word, their own commercial affairs, and not to mix themselves up in politics, for that was no affair of theirs; he recalled to their recollection the events of 1848 and their consequences, in order that he might not be put under the necessity of paying out of his own pocket for the cords by which he would have to strangle them. Now, my noble Friend must admit that the circulation of documents of this kind must affect the character of England. I think that Englishmen are in favour of a union of the Principalities. If you want to create strength there, I think that almost common sense would lead one to do so by their union. But if there be successful arguments the other way, it is most important that my noble Friend should furnish the House with those arguments. At any rate, it is important that he should at the earliest moment do something to dissipate the injurious impressions that must be entertained as to the policy of England while these statements remain uncontradicted. I have often had occasion to differ from the foreign policy of my noble Friend, but of one thing I am perfectly convinced, and that is, that in his heart he is a lover of British freedom, and that he will not willingly or intentionally be found, on a question of foreign policy, upon the side which is antagonistic to British freedom. The presumption in this case, as they have been stated in the newspapers, and as they now appear, are not in keeping with what I think we may fairly anticipate from my noble Friend. It is all very well that these elections should have been quashed, but if these elections have been a source of jobbery and wicked oppression, why, then, it was to England we ought to have looked to quash them, and that task ought not to have been left to the absolute Sovereign of France. At any rate, I am quite sure that what I have said is enough to convince the House that there is much gravity in the circumstances, and that it is most desirable that my noble Friend should at the earliest period that the circumstances will permit lay upon the table of the House that authentic information which will enable the House to form a fair and candid judgment, which at present it cannot possibly form upon the policy and even upon the intentions of the Government with respect to the great question in what way the destinies of the inhabitants of the Principalities are to be moulded under the hands of the Powers of Europe, inasmuch as if we are to look to the erection of permanent barriers against Russia, then it is of importance that we should endeavour to bring these Principalities into a state of strength and vigour which will afford the best hope of their real and substantial improvement.

Sir FITZROY KELLY said, he hoped he might detain the House a short time in putting a question to the noble Lord at the head of the Government, which had some connection with the subject under discussion. It was not his intention to arraign the conduct of the Government on this occasion. It had been his fortune upon more than one occasion, during the last Session or two, to animadvert upon the conduct of the Government of India with regard to their treatment of the Native Princes of India, but he had ever found the right hon. Gentleman the President of the Board of Control and Her Majesty's Government not only disposed to adhere to the first principles of justice in their dealings with the Princes of India, but always anxious to consult their feelings and interests. He might observe that since intelligence reached this country of the outbreak in India, the royal Princes of Oude, and every member of the royal family, had strictly forborne from urging their case upon the Houses of Parliament and the Government; but had been content, whatever their sufferings might be, to await with patience the time when those unhappy events which now occupied the attention of the country should have passed away, and they could, with confidence, appeal to the justice of the British Parliament. They had followed that course from the time when the events passing in India were first known in England, and no other steps had been taken excepting that of presenting, through him, a petition to that House, in which they had referred to their former position, and had begged to be informed of the events which had taken place in India, and of which news had reached this country. It was their wish that he, (Sir F. Kelley) would not, at present, refer to their case. But he would now merely state that from the time of the occurrence of these events no communication had reached—he presumed it had not been permitted to reach—the royal family of Oude, and they only learnt what had taken place in India in the same way in which hon. Members learnt it. They had seen that their Sovereign was actually a prisoner in Fort William, and that no one member of his family had any means of communicating with him, or of receiving a communication from him, in consequence of it being supposed that he was concerned in the outbreak in India. In the meantime the royal family of Oude stated in their petition their perfect and profound conviction, founded upon their knowledge of the whole life and conduct of the deposed King of Oude, that he was utterly incapable of having done any act whatever in opposition to his own fidelity to British interests and his loyalty to the British Crown and people, which feelings he had exhibited when he was King, reigning over a wealthy people, and since he had been deposed and was an exile and prisoner in the hands of the East India Company. The royal family expressed their entire belief that no charge could be brought against their sovereign and relative. The questions which he (Sir F. Kelly) wished to ask were, whether the King of Oude was still in custody or under restraint? and, whether the noble Lord at the head of the Government was prepared to state the charge, or the nature of the charge, against the King of Oude, and upon which he had been deprived of his liberty? If it were compatible with British interests and the line which the Government had thought it their duty to pursue in placing the King of Oude under restraint, it would certainly be doing an act of great kindness, charity, and justice, if the Government would inform the Queen of Oude and the other members of her family of the charge against the King of Oude. The answer of the noble Lord might, in some degree, restore peace of mind to the royal family, and confidence in British justice.

MR. VERNON SMITH said, that as his noble Friend at the head of the Government would have to reply to the questions that had been raised relative to the Euphrates Railway and the Danubian Principalities, the House would perhaps allow him to answer the questions whether the King of Oude was still under duress, and under what charges he had been arrested. He believed from the letters that had arrived by the present mail, that the King of Oude was still under arrest, and that the charge upon which he had been arrested was complicity in the revolt that had taken place at Delhi. That charge was made by a person who was to be examined hereafter. No doubt, an investigation into the facts would take place as shortly as possible, and if it should appear that the King and Court of Oude had had nothing to do with the revolt, it would be the duty of the Governor General to liberate him. But the hon. and learned Gentleman had rather overstated the case when he said that the King of Oude was undergoing a harsh imprisonment. The King of Oude was certainly removed from his residence to Fort William, but there every species of attention that could be paid to a royal prisoner was manifested to him. He was arrested under Regulation 3 of the Province of Bengal, which set forth:—

> "Whereas reasons of state, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes, entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may, for other reasons, be unadvisable or improper."

That was the authority under which his Majesty had been confined, and he would now read the letter which the Governor General wrote to the King of Oude upon the occasion of his arrest:—

> "Fort William, June 15th.
>
> "Sir,—It is with pain that I find myself compelled to require that your Majesty's person should, for a season, be removed to within the precincts of Fort William. The name of your Majesty and the authority of your Court are used by persons who seek to excite resistance to the British Government, and it is necessary that this should cease. Your Majesty knows, that from the day when it pleased you to fix your residence near Calcutta to the present time, yourself and those about your Majesty have been entirely free and uncontrolled. Your Majesty may be assured, then, that is not the desire of the Governor General

in Council to interfere needlessly with your movements and actions. Your Majesty may be equally certain that the respect due to your Majesty's high position will never be forgotten by the Government or its officers, and that every possible provision will be made for your Majesty's convenience and comfort."

There was no symptom of harshness in this letter. It was his (Mr. Vernon Smith's) desire to treat the Native Princes with the utmost consideration and courtesy, and his noble Friend the Governor General was animated by the same desire. No restraint had been put upon the King of Oude's family in this country, and it was not quite correct to say that no communication had taken place between them, because a communication had been brought to him from the King of Oude to his relatives in this country, which he desired should be immediately forwarded to the Queen of Oude. It was obvious that, as the King of Oude was in confinement at Calcutta, for the purpose of restraining any correspondence in which he might be engaged with the supposed conspiracy, it was impossible to allow any communication to take place between him and his friends. His family in this country would, for the present, be cut off from that communication, but there would be no desire, after the trial, to continue that restraint. The arrest of the King of Oude was a measure of precautionary policy, of which the House must approve. He trusted it would turn out that the King of Oude was perfectly innocent of any implication in the conspiracy, and he had no doubt that if his name had been used without his authority, he would be acquitted. So long, however, as the Governor General had reason to believe that either the King of Oude or his courtiers were acting in complicity with the revolt, his noble Friend would be justified in confining him.

Sir FITZROY KELLY said, it was true that a paper, purporting to have come from the King of Oude, had been brought to the Royal Family of Oude, but they did not know how it had reached this country.

Mr. GRIFFITH said, he should be happy to give his assistance towards carrying out the Euphrates Railway, but should consider it unfortunate if other means of communication with the East should be thrown into the shade, or looked upon with prejudice by the Government. For example, how great an advantage it would be if we were able to send our large steamers filled with troops to India through the Red Sea. Concurring with the noble Lord at the head of the Government, as to the physical difficulties which lay in the way of the construction of the proposed Suez Canal, he was yet of opinion that we ought not to manifest any unreasonable jealousy of the prosecution of the scheme. At any rate, it should not be made a stalking horse, under the cover of which we were to gratify our national animosities.

Viscount PALMERSTON: Sir, the hon. Gentleman the Member for Wiltshire (Mr. Sotheron Estcourt), who began this discusssion, need have made no excuse for the course which he has adopted, because no Member of this House, owing to the part which he has taken in our deliberations, is better entitled to draw our attention to any subject with respect to which he may deem it to be his duty to offer an opinion, and I can assure him that the Government are not the less disposed to entertain the question because it has been brought forward by him. The subjects upon which he has this evening touched, relate to questions which are unquestionably of very great interest to the country. There can be no doubt that if railway communication were established along the route which he has indicated—that is to say, from the Mediterranean to the Euphrates—then a further communication, either by railway or by water, along that river to the Persian Gulf, and so on to India, a considerably increased facility in the conduct of our commercial and political intercourse with that empire must be the result. We should also have the advantage of an alternative route in competition with the line of railway from Alexandria to Cairo, thence to Suez, and down by the Red Sea. I am not, however, by any means sure that the line in which the hon. Gentleman seems to take so great an interest is that which, if we were about to enter upon any project of the kind, the Government would most desire to see adopted; because, if railway communication should be established—as I have no doubt it will be at no distant period—with Constantinople, and if a line should be constructed from the other side of the Bosphorus to the Persian Gulf, it is perfectly plain a much shorter and better means of communication with India will be secured than that which the hon. Gentleman proposes, and which would involve a sea passage either from Marseilles, Toulon, or Trieste, to the further end of the Mediterranean. All these projects, however, are, in my opinion, schemes in reference to which Her Majesty's Government ought to be deliberate spectators. I entirely concur with my right hon. Friend the Member for the University of Oxford in the sentiments to which he gave expression in that portion of his speech in which he so well and so ably pointed out the inexpediency of the Government of this country meddling directly in enterprises, such as that to which our attention has this evening been drawn, and which are to be carried into execution in a foreign State. My right hon. Friend dwelt so forcibly on the political consequences which would be likely to result from a direct connection with such schemes that it is unnecessary for me to say more upon that head, except that, upon the grounds to which he has adverted, Her Majesty's Ministers would be indisposed to mix themselves up with projects of the nature of that which is now under discussion. To pursue a different policy would indeed be to take a course at variance with that which has in similar cases been adopted. Applications were made, for instance, to the English Government upon the part of our West Indian Colonies of Demerara and of our North American Provinces for pecuniary assistance, and with those applications the Government deemed it to be their duty to refuse to comply. The only case, I may observe, in which direct pecuniary aid was afforded was that of a great and important railway in Ireland, but in that instance the Exchequer Bill Commissioners merely advanced as a loan a certain amount to carry on the construction of the necessary works, and security was obtained by Act of Parliament for the repayment of that sum by means of the rates of the counties through which the railway passed. That the House will see is not an instance at all applicable to the case in point; and with reference to the Euphrates Valley Railway I can only assure my hon. Friend who brought forward this question, that, however glad we should be to see that project completed, we cannot hold out the slightest encouragement that we should be disposed, either directly or indirectly, to advance any money for the attainment of that end. With respect to the question of the establishment of a telegraphic communication, I can only say that it is one which appears to me to stand in a light somewhat different from that to which I have just been referring. A telegraphic line of communication is somewhat similar to that postal communication—to speak in modern jargon—which has been established with distant countries beyond the seas. If a telegraphic line were laid down by the Euphrates Valley, or by the Red Sea to India, Her Majesty's Government would, as I think, very wisely and properly, pay for the use of that line. The subject is one which is open to consideration, and I must say that in my opinion a communication of that description would be found to be of the utmost importance to the interests of the country. I believe that the company now engaged in establishing the telegraphic line down the Valley of the Euphrates—a company distinct, as I am informed, from that which has been alluded to as concerned in the project for a railway—will succeed in the attempt, and that unless some unexpected difficulties arise we may look forward to the completion of the telegraphic line in question within a definite period. The accomplishment of that object would no doubt be productive of great advantage, inasmuch as it would place us in communication with India by the construction of a telegraphic line to Kurrachee. Having said thus much in reference to the projects of a railway and a telegraphic line, I may be permitted to advert to an entirely different topic, to which my right hon. Friend the Member for the University of Oxford has drawn our attention; I allude to the proceedings which have lately taken place in the Principalities of Moldavia and Wallachia. My right hon. Friend has got possession of a pamphlet, of which a copy has been sent to me, but at which I had not time to look; and upon the statements made in that pamphlet grounds his appeal to Her Majesty's Government to lay the papers connected with the recent transactions in the Principalities upon the table of the House. Now, it is my opinion that if all the pamphlets which have been written by well-meaning Moldavians and Wallachians within the last few years upon questions connected with the Principalities could be collected together, they would occupy the greater portion if not the entire of that table, and I cannot help thinking that statements made in publications of that description can scarcely with justice be held to furnish any conclusive reasons upon which to found a claim for the production of a diplomatic correspondence. There may be proper demands upon other grounds; but I do not think it fair to make upon the Government a demand for the production of documents founded upon chance statements in pamphlets. I apprehend that my right hon. Friend could not have been in the House a few days ago when, in answer to the right hon. Member for Buckinghamshire, I explained the state of affairs with regard to the Moldavian Principalities. I will repeat the statement I then made. The Treaty of Paris was concluded about a year ago—in April last year, and not two years ago, as the right hon. Gentleman stated. [Mr. GLADSTONE: I beg pardon for committing such an error.] The treaty of Paris stipulated that after the limitation of Bessarabia, a portion of which now forms part of Moldavia should have been completed, and after the territory so transferred to Moldavia should have been actually handed over to Moldavia, the Moldavian and Wallachian Principalities should proceed to the election of two representative bodies, to be called divans; that these bodies should take into consideration the wants and wishes of the people in regard to the future internal organization of the Principalities; that during their deliberations there should be in the Provinces Commissioners representing each of the contracting powers; that when the assemblies had considered all the matters submitted to them, and when the Commissioners had made their Reports upon what they had observed, the determination of the assemblies and the Reports of the Commissioners should be transmitted to the Congress of Paris, which was to be re-assembled for the purpose of considering the subject; and that then the Congress—in concert with the Sultan, who would be represented in it—should come to an understanding with the Sultan as to what should be the future internal organization of the two Provinces. There was—for reasons of which it is unnecessary for me to remind the House—great delay in the regulation of the Bessarabian frontier. The delay occasioned delay with regard to other matters; and, in consequence, it was not until some little time ago that the firman or decree of the Porte, determining in what manner the elections should take place, was settled in concert by the representatives of the Six Powers and the representatives of the Porte at Constantinople. The firman was sent to the Provinces; but the Provinces differ in some respects with regard to their internal arrangements. The firman was sent to Bucharest, in Wallachia, where the Commissioners were stationed, but it was found not to be clear in its application, with respect to certain details. Reference was made to Constantinople, and on the 30th of May the representatives of all the Powers, in concert with the Minister of the Porte, gave answers to the questions which arose upon these doubts, and the answers were sent to Bucharest. The same interpretation of the doubtful points was to be acted upon both in Wallachia and Moldavia in as far as the internal differences of the two Principalities might admit. There were still misunderstandings. The Kaimaikan of Moldavia did not think that the doubts which had been started with regard to Wallachia applied to Moldavia. The election took place; and then representations were made that from the manner in which the elections had been conducted certain classes who were properly entitled to vote had been excluded from voting. These representations led to discussions at Constantinople. The representatives of four Powers entertained one opinion as to the amount of irregularity; the representatives of England, Austria, and the Porte took a different view. The representatives of the four Powers called upon the Porte to annul the elections. The Porte declined to do so, not deeming it a matter which the representatives of the four Powers were competent to decide; but considering that as the question had been discussed by the Six Powers, who were parties to the treaty of Paris, such an application should proceed from the representatives of all those Powers. Differences arose; and, as I stated before, the late visit of the Emperor of the French at Osborne, bringing the two Governments into personal contact and direct explanation, enabled us to come to an agreement with the French Government that we would unite with France—and trusted Austria would do so also—to remove all suspicion of irregularity with regard to the elections, and that we would represent to the Sultan that it was for his own interest that there should be no imputation whatever as to the constitution of the body whose wishes were to be taken into consideration at the Congress of Paris. That matter, therefore, I now consider as settled, especially as we have reason to know that the Government of Austria is willing to take the same course which we have adopted. My right hon. Friend has amused the House by reading passages describing the different irregularities which took place at the elections. Those statements may or may not be true; and it is very well for us, who have determined—especially in the case of the last general election—to have our elections carried on in a manner pretty free from imputation, to think it extraordinary that other countries do not conduct the election of representative bodies with equal regularity; but when we recollect that these Moldavians and Wallachians are totally unused to such proceedings,—that the authorities wish to attain one result, while other parties desire another,—that the political questions at issue are debated with the utmost vehemence by the opposite factions,—and that the people are not accustomed to that obedience to the law with which we are familiar,—it cannot be surprising that such irregularities as are detailed in the pamphlet quoted by my right hon. Friend should have occurred. I can only assure my right hon. Friend that if he was acquainted with what takes place in the kingdom of Greece—in which a system of representative Government has been established for a considerable period—he would find occurrences far exceeding, not only in gravity, but in absurdity, the cases he has referred to as occurring in the Principalities. The result is, however, that there is now no difference of opinion, among the Six Powers as to the propriety of annulling the elections, and having the lists upon which the elections are made revised in such a manner as to insure the strict and proper application of the firman of the Porte. My right hon. Friend has introduced the much-debated question of the projected canal at Suez. I have no doubt that a great deal of that persuasive eloquence by which M. de Lesseps is now endeavouring in all our large commercial cities to enlist people in favour of the scheme he recommends has been brought to bear upon my right hon. Friend. I was asked some time ago what was the opinion of the Government with regard to that scheme. I stated, as I deemed it my duty to do—speaking as an unprofessional layman—that I consider the scheme physically chimerical; that I thought it would not be remunerative commercially, and that I also regarded it as open to strong political objections. These objections have, indeed, been constantly urged at Constantinople within the last fifteen years. The main objection upon which our opposition to that scheme was founded was that it was, as we considered, the first step towards the separation of Egypt from Turkey, and that it would thus tend to the disintegration of that Turkish monarchy for the maintenance of which Europe took up arms three years ago. My right hon. Friend thinks it was very unbecoming of the English Government to oppose a scheme which was approved by other countries simply because it was considered injurious to British interests. Now, I must really beg to dissent from that principle. It seems to me that if the British Government are of opinion that any scheme is injurious to British interests, it is their duty to oppose it, however much their opposition to such scheme may thwart the political and commercial wishes of any other country. The first duty of a Government is to look to the interests of the country; and if those interests are in conflict with any scheme which is proposed, they would be neglecting their duty if they sacrificed the interests of England for the purpose of accommodating themselves to the wishes or fancies of any other Power. The strong ground, and the only ground, upon which we have represented to the Government of Turkey the inexpediency of concurring in the plan is not the injury of England, but of Turkey,—the danger with which it would be attended to the integrity of the Turkish empire. Therefore, when the apostle of the Suez canal is preaching all over England in order to induce English capitalists to give him those means which he is unable to obtain from the rest of the world, for the purpose of constructing this canal, it does not seem to me that I, as an English Minister, took an improper course in explaining to British capitalists that in affording money for the construction of such a work they would be aiding a scheme which was fraught with injury to the interests of England itself.

SARDINIAN MEDALS.—QUESTION.

ADMIRAL WALCOTT said, that he rose to put a question to the First Lord of the Admiralty with regard to the medals so graciously bestowed by His Majesty the King of Sardinia, and to call the attention of the House to the circumstance of those medals having been awarded to the officers and soldiers of the British Army engaged in the Crimean war, on the recommendation of his Royal Highness the Commander in Chief and that none were awarded to the officers and seamen of the British Naval Brigade, who served and worked side by side in the trenches with the army during the siege of Sebastopol. Nothing was farther from his intention than to make any complaint of any reward bestowed on the army, for the navy, on the contrary, gloried in the triumphs of the army; but he thought it hard that the men of the Naval Brigade, who had shared in the same privations, and who were distinguished for the devil-may-care manner and rough and ready way in which they surmounted all difficulties, should have been altogether excluded from a share in the Sardinian medals. He could imagine when the floating bridge at Portsmouth brought over from Gosport some soldiers, who would be employed, perhaps, in putting down the atrocities which had occurred in India, from the mutiny of the troops, that one sailor might say to another, "Look at those soldiers, they are good and gallant men, and we grudge them nothing; but see, they have got the Sardinian medal, and why haven't we got it too?" and that the other might reply, "Those who sit up aloft ought to look down and take care of the fortunes of poor Jack, but they do not." He, therefore, trusted he should receive such an answer to his statement as would remove a sore from the mind of the men and officers of the Naval Brigade.

Mr. BERNAL OSBORNE said, he could not but regret that he was not able to give so satisfactory an answer to the hon. and gallant officer as he could wish, but he could not refrain from paying his tribute of respect to the hon. and gallant Officer, who always showed so great and kind a sympathy with the members of his profession. The Board of Admiralty, however, had nothing to do with the distribution of the medals in question. The matter lay in the department of the Minister for War, and he confessed that it was matter of wonder to him that no medals had been sent to the Admiralty. This he thought must have arisen from some oversight, for the officers and men of the Naval Brigade had deserved well of their country. Some inquiry was now being made into the matter.

Mr. STAFFORD said, he considered that it would never be the wish of the Sardinian Government to cast a slight on such a body of brave men; and he was satisfied that a communication on the subject from the Secretary at War would be at once attended to.

NETLEY HOSPITAL.—OBSERVATIONS.

Mr. STAFFORD said, he must apologize for again touching on a subject which came nearer home—namely, the condition of Netley Hospital. Some time since, a meeting of doctors was held in Southampton, in respect to the health of Southampton Water; and the meeting was so unanimous on the subject of the sanitary virtues of the place that the only doubt in the case was how doctors were so unanimous. The Prime Minister on a former occasion, too, in reply to a question from the hon. Member for Southampton (Mr. Weguelin), had leaped up with more than his usual agility, and declared that nothing could surpass the climate for salubrity; and, certainly, if the health of the noble Lord was due to it, he (Mr. A. Stafford) was satisfied, and had nothing more to say. He (Mr. A. Stafford) had never attached much importance to the particular locality of the hospital: since its foundation there had been alterations made at a considerable expense—an esplanade had been formed which tended somewhat to diminish the influence of the mud banks and to alleviate those evils which would not occur if the hospital had been placed higher up. But there were other evils accruing every day, to which he begged to call the attention of the noble Lord. He (Mr. A. Stafford) had not given notice of his question to the Under Secretary for War, because he knew well the reply he should receive, and he could not help saying that if the War Office was as skilful in constructing an hospital as it was in drawing up a Report, this country might have one of the finest hospitals in the world. The Report quoted Miss Nightingale as an authority in favour of the hospital, but he (Mr. A. Stafford) called on the House to suspend its judgment until the documents which Miss Nightingale had put in before the Commission of the Army Medical Department were laid before the House. There was one subject brought before the Committee which they had decided contrary to the chief evidence produced with reference to it. He asked no promise from the noble Lord on that occasion, but he entreated him, in reference to this subject, to call to his aid Dr. Sutherland and Dr. Parkes, and ascertain their views. The wards, as they stood, only held eight or nine patients; he (Mr. A. Stafford) asked the noble Lord to consider if every two of these wards could not be converted into one. The hon. Member for Bath (Mr. Tite) had recommended that the building should not be proceeded with until further inquiry should be made as to the principle on which it was constructed. Every person who knew anything of hospitals was well aware of the importance of large airy wards. In small wards the soldiers were thrown too much together, and were too much affected by one another's state of health; pained or distressed by one another's death; while they wanted that variety of incident which was afforded them when a larger number were assembled together. At Scutari it was a practice never to leave two sick soldiers long near one another; but to place new-comers in the beds as often as possible, and to change the patient's ward as often as it could be changed. If there were twenty-four or twenty-five in a ward, it would be impossible for the soldiers to group themselves, and the death of any one would not so seriously affect the others as in the smaller wards. There was another argument for the larger ward, namely, that it was three times less trouble for the nurses to superintend and inspect them, and as the desire of all was to have lady nurses in the hospitals as much as possible, this saving of time and trouble was very important. As at present arranged, Netley Hospital, he had been told on the very highest authority, rendered nursing difficult and inspection impossible; it was in fact described as "inadministrable," to coin a word for the occasion. He therefore, confidently asked the noble Lord to re-open the question to ascertain if it was not possible even at a considerable outlay to prevent this hospital from being a disgrace to the country. In a military hospital he had visited at Naples there was not a single ward with less than thirty patients, and he believed that Netley hospital, as contrasted with it, would be fifty years behind. He entreated the noble Lord to afford an opportunity for the re-consideration of this question. By so doing the health of the soldiers would be studied, and a building would be erected which might be pointed to by Englishmen without shame.

Mr. TITE said, that he agreed with the hon. Gentleman, that unless the hospital could be materially altered it would neither be creditable to the country nor useful. He spoke not only with regard to the enormous outlay, which would be not less than £25,000, but also on the score of humanity. The principal alteration required was in the wards, which ought to be capable of containing from thirty to thirty-two men, giving 2,000 cubic feet to each patient. On the ground floor there were ten wards capable of containing only two patients each. These rooms were fifteen feet by thirteen, and had no external air or light, being lighted from the corridor. He could not possibly conceive for what purpose these rooms had been constructed. There were also eight similar rooms on each of the floors above. With regard to the nine-bedded rooms he would suggest the propriety of removing the partition walls and making two rooms into one. He hoped the French system would be adopted. In a French hospital there was an entrance hall leading to a large garden. In the case of the Hospital du Nord, the garden was an acre and a half in extent. Then there were what were called pavilions on each side, separated by planted walks fifty feet wide. The windows opened into the air, and there was no attempt at artificial ventilation. The mischief of the plan at Netley was that the contaminated air would be blown into the building. So thoroughly were the French physicians convinced of the necessity of free circulation, that at Lyons, where there were 1,800 beds, and where 200 *sœurs de charité* were employed, they placed some fever cases of unusual virulence under the great dome, so that they might have around the patients a large body of circumambient air. He (Mr. Tite) had seen the hospital of Milan with its 3,000 beds; those of Genoa and Lyons with their 1,800 beds each, and the Hospital du Nord at Paris, to which he had alluded, and the result had been to convince him that the natural system of ventilation was the best. In Netley he could not understand what was intended, for the great ventilating shaft was placed over the lobby entrance to the chapel. Let them have windows that would open, and let each patient have the 2,000 cubic feet of space allowed in the French hospitals, and the Netley Hospital would not be subject to the reproach which at present attached to such buildings in England. He would, therefore earnestly press on the attention of the Government the arguments which had been urged by the hon. Member opposite (Mr. Stafford). He entreated them to stop this work before it went any further. The mistake was remediable now, but ere long it would be irremediable. What they wanted was the assistance of an experienced architect, accustomed to hospital arrangements. It was most important in a national point of view, when they were about to expend a quarter of a million on the erection of a hospital, that they should avoid the commission of serious blunders.

THE NEW CODE OF PROCEDURE IN INDIA.—QUESTION.

Mr. AYRTON said, he rose to ask the President of the Board of Control Whether it is the intention of the Home Government to instruct the Government of India that no new Code of Procedure which may be enacted by the Legislative Council, shall be carried into operation until the same shall have been laid on the table of this House. When the Charter of the East India Company was renewed it was determined at the same time to establish a new system for the administration of justice in India; and a Commission had been appointed of men more distinguished than competent to frame it. The President of the Board of Control had transmitted the Code so framed to India for consideration, and the Legislative Council had legislated on the subject to the great dissatisfaction of the English residents in India, as well as of the natives. In the Charter of the East India Company it was provided that all laws passed by the Legislative Council should be laid befere Parliament within fourteen days after the 31st of March, and no doubt that had been done in this instance. But substantially it was of no value, as the Acts of the Legislative Council were not printed or circulated, and consequently Parliament had no means of expressing its opinion in respect of their fitness for the purpose for which they were framed.

Mr. MANGLES said, that a letter was now in preparation for the Government of India directing them not to pass this law without further reference to the Imperial Parliament. Any law passed by the Indian Government must remain for a certain time on the Table of that House, when it was in the power of any hon. Member to object to it. When such a measure had laid on the Table and had not been revoked by Parliament it then became the law of India.

THE PRINCIPALITIES, ROME, AND NAPLES.—OBSERVATIONS.

Lord JOHN RUSSELL: I do not think the example of this night's discussion will tend very much to the regularity of our debates; but I wish to address a few words to the House on a subject which has been lost sight of for nearly an hour. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) having asked certain questions respecting Wallachia and Moldavia, I cannot but observe upon what appeared to me to be an omission on the part of my noble Friend at the head of the Government in making his explanation. My noble Friend stated very truly that the Four Powers went to the Porte and asked that the elections should be annulled, and that the Sultan naturally replied that a representation of that kind ought to have come, not from four, but from the whole of the Six Powers; and that there was therefore some demur in agreeing to the proposal. I have understood, and I see it in the newspapers, that there was a previous step on the part of the Ambassador of England and the Internuncio of Austria. The elections having been delayed by a general agreement, I have been led to believe—indeed it is stated in a letter, though I don't know whether it is a genuine letter or not—but the letter states that there was a representation from them to the effect that the Sultan should not delay the elections any longer, but that he should send orders to have them immediately carried into effect. The letter even says, the Ambassador of England and the Internuncio of Austria stated that they were ready to be responsible for all the consequences that might flow from their interference. The consequence was, that the Sultan, not thinking that the intervention of the Six Powers was necessary, complied with the request of the English and Austrian representatives. The elections took place; and hence the irregularities, and the interference of the Four Powers. The interference of those Four Powers was thus not a spontaneous action on their part, but it arose from the previous interference of England and Austria. Now if these latter did interfere in that way it was an ill-advised step, and a step ill calculated to maintain that agreement between all the Powers, and that good understanding at Constantinople which is so necessary to the general tranquillity of Europe. With regard to the other question to which my right hon. Friend alluded, namely, the union of the Principalities—the Divan being assembled—if it should express a strong wish that the Principalities should be united, I do not see that it would be right or practicable for the Powers of Europe to advise the Sultan to do otherwise than to concur in that opinion. At the same time it would be a step to which I shall look with no very great confidence; because I am afraid that if the Sultan is to have the kingdom of Greece on the one side and the kingdom of

Moldo-Wallachia on the other side of his dominions, it may tend to weaken his power—which power we entered into the late war with Russia for the purpose of maintaining. That, however, is entirely a question for speculation, and one that must be left to the decision of Her Majesty's Government. Whether it was wise to convene the Divans may be a matter for debate; but having convened them, I think it would not be practicable to oppose any well-considered wish which may be expressed by the representatives of the people. As to a free Government—surrounded by Russia, by Turkey, and by Austria, which are all inimical to free Government—that will be a great difficulty; and as we have guaranteed such a free Government it may lead to complications. There has been much desultory discussion to-night; but there is still one subject with regard to which, seeing that the Session is drawing so near to its close, I cannot help expressing some regret and some disappointment. Last year the Ministers of Great Britain and France expressed at Paris their earnest hope that the occupation of the Roman teritory by France and Austria should cease; and the Earl of Clarendon pointed out that if certain improvements and reforms took place in the Roman Government, the foreign occupation need no longer continue. The French and English Governments both pointed out that the present was an abnormal state of things, and one by which the tranquillity of Europe might be endangered. Now, we have been lately told that the Pope has been to Bologna; and we are informed that to all the requests that were made to him to effect a reform in the Government of his territories, he expressed a fear that any reform would lead to anarchy; and he at once refused. The consequence must thus be that the foreign occupation must continue—an occupation by Austria on the one hand, because she has long had great influence in Italy, and an occupation by France on the other hand, in order to show that she is not disposed to leave this foreign occupation to Austria alone. I must say that such a state of things is totally inconsistent with the treaty of Vienna and with the independence of a foreign power. A Sovereign who for eight years has had foreign troops in his dominions, and is now obliged to confess that he cannot maintain their internal tranquillity without the aid of two allied Powers, and without foreign troops within his dominions to suppress disturbances—such a Sovereign cannot be held to be an independent one; and we must therefore lament that such a state of things should continue. Of course it is not a question for a quarrel with those Powers; but we may hope that such a state of things will speedily cease, and that those Powers will hasten as much as possible to evacuate the Roman territories. With regard to Naples, nothing can be said. If the King of Naples can maintain internal tranquillity in his dominions without foreign assistance, we have, of course, no right to interfere; but we have some right to interfere when foreign troops are allowed to occupy the territory of another power.

VISCOUNT PALMERSTON: I have no right to interpose, or to say one word; but perhaps the House will permit me to correct my noble Friend with regard to a matter of fact which is of some importance. My noble Friend conceives that the two Representatives at Constantinople—namely, those of England and Austria—separated themselves from the other four. Now, the fact is just the reverse—it was the four who took the first step, and separated from the two; and the subsequent advice given by the two was advice given in answer to an application from the Porte, with a view to obtain their opinion. The matter has, however, now gone by. It relates to misunderstandings which were not intentional either on the part of the four or of the two. It is now a mere matter of past history, and I trust will have no bearing upon the future.

LORD JOHN MANNERS said, he must remark that the noble Lord, the Member for the City of London, had taken a most inconvenient course by bringing on such a subject without any notice. It was a very delicate subject, and ought to be lightly handled. He did not, however, suppose that anybody wished to follow the noble Lord in discussing the subject; but he thought that both the Government and the House had been placed at a disadvantage in discussing incidentally the affairs of Europe. The only result of the interruption had been that they had heard the opinions of the noble Lord himself on the question.

CUSTOMS TARIFFS.—OBSERVATIONS.

MR. NEWDEGATE said, that the right hon. Gentleman, the Vice President of the Board of Trade, had given notice of an addition to a return which stood in his (Mr. Newdegate's) name, with respect to Customs stamps. He did not complain of that, but hoped that a matter to which he had devoted much labour and attention was at last about to be accomplished, and that the notice given by the right hon. Gentleman was an earnest that Her Majesty's Government was about at last to undertake to furnish to the House and to the commercial community a complete compendium of the tariffs of the commercial countries of the whole world. The hon. Gentleman was proceeding to give some further explanations, when he was interrupted by

Mr. SPEAKER, who stated that the hon. Member, having a notice of Motion on the paper for the day, was now taking advantage of the question of the adjournment of the House to enter into the question more deeply than he had a right to do.

Mr. NEWDEGATE said, he was only desirous to know that the new compendium of the Customs tariffs would not be in the same form as that in which such returns had hitherto been furnished by the Government.

Mr. LOWE said, that he was somewhat surprised at the speech of the hon. Gentleman, for he had had a conversation with him, the result of which was that he (Mr. Lowe) had informed the hon. Member that he was welcome to make his Motion, and that it would be taken as an unopposed Motion.

Motion, by leave, *withrawn.*

Question that the Orders of the Day be now read.

MR. GLADSTONE.—PERSONAL OBSERVATIONS.

Mr. GLADSTONE rose and said: Sir, as I have never troubled the House with a question of this kind before, perhaps it will grant me its indulgence while, with great pain, I make a personal statement with reference to an imputation which has been cast upon me out of this House, but bearing upon my conduct in this House. I read in *The Times* of the 12th of August —not in the articles of *The Times*, but in the judicial department—the following passage in the report of one of those unhappy trials which are frequently found in the columns of our newspapers. It was spoken by the counsel who had under his charge the interests of the plaintiff in an action of *crim. con.*, and who was referring in his reply to the case of a witness whom he had produced in support of the plaintiff's claim, and who was apparently a person of infamous character:—

> "The learned serjeant would, no doubt, he said, make a good many severe observations upon the witness Taylor; but the jury should bear in mind that guilt of the character attributed to the defendant could only be established by the aid of such persons, and that the journals of the House of Lords bore testimony to the fact that a right hon. Gentleman who was once a Minister of the Crown had tracked the wife of a noble Duke, who afterwards obtained a divorce, all through Italy, and appeared as a witness to prove her adultery; and that the fact of a man in the position of life of the plaintiff employing a man to bring the charge home to the defendant ought not to operate against him."

In the *Morning Post* of to-day is a leading article in which this report is alluded to, and is connected with my conduct in this House in the following terms:—

> "In a recent case of criminal conversation some discredit was cast upon the evidence of an individval who had been brought forward to prove the act of adultery. The counsel for the husband in defending this witness said:"—

Here follows the quotation which I have read. The writer goes on to say:—

> "The right hon. Gentleman alluded to by Mr. Serjeant Parry" (this was a misquotation for the name of another learned counsel), "was the Member for the University of Oxford—the man who now would deny to the poor that relief which he himself was the principal means of obtaining for a noble and wealthy colleague."

Sir, I do not mean to take any steps which in former times would have been taken, but I mean simply to avail myself of those weapons which are open to every man when falsehoods are stated with respect to him, and I will simply state the truth in reply. Nor should I have troubled the House on a matter which it is on every account so painful to revive but for two circumstances,—that the attempt has been made to prejudice the discharge of my public duty by means of these untruths; and secondly, because a most foul imputation has been fixed not only upon myself by the combined effect of these passages, but also upon a noble Duke who cannot take up arms in his own defence. These two statements are in substance that I was employed by a noble Duke for the purpose of tracking his wife, to collect evidence against her of adultery, and this supposed conduct of mine is introduced into a court of justice in order to efface from the minds of the jury the painful impression evidently made upon them by most infamous conduct on the part of the witness to whom I am here compared. That is one statement, to which I have to say that it is entirely false. If I had been capable of accepting such an employment, the noble Duke who was concerned would assuredly have been incapable of conferring such an employment upon me. The other statement is, that I was the principal means, as it is said, of obtaining a divorce for a noble and wealthy colleague. Sir, those who care to make themselves acquainted with the truth of this matter will find it detailed in the journals of the House of Lords, or in the evidence taken before and printed for the House of Lords. They will see it is not true that I went for the purpose, or that I had anything to do with the collection of evidence of adultery, but that on my oath I stated that I went for a purpose, as I conscientiously believe, alike friendly and in the interest of both parties. They will also see it is totally untrue that my evidence was the evidence, or a part of the evidence, on which the divorce was founded. I was told that I was called, and I believed that I was called, for the purpose of showing that the person who was claiming the Bill at the hands of the House of Lords had omitted no means that duty or affection could suggest for the purpose of averting the calamity under which his domestic happiness had suffered. And perhaps I may be permitted to say, having occasion to refer to that noble Duke, and feeling that the revival of a matter which is only brought up perhaps to injure myself, is a revival cruel to him—that I am certain that all persons who are conversant with his conduct at that very trying crisis will never look back to any part of that conduct except with feelings of the warmest admiration. As regards the statement that I either went to collect evidence, or that I did collect evidence, it is entirely false. It is also false that I was concerned in that particular Bill for the divorce, my duty being simply to attend as a witness in a case in which the Court which was examining into the question thought it was for the interests of justice that I should so attend.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee, resuming the discussion on the 26th clause.

The ATTORNEY GENERAL said, he had considered the Amendment proposed at the morning sitting by the hon. Member (Mr. Puller), and he thought it better to substitute for that Amendment words which would have the effect of imposing on the wife, subject to the discretion of the Court, the obligation of bringing the alleged adultress before the Court.

Mr. PULLER said, he was quite willing to accept the Attorney General's Amendment in place of his own if he thought it would accomplish the same object. He must, however, observe that there was no instance of any Court of justice allowing its proceedings to be hampered by a party for whom no relief was prayed, and on whom no punishment was to be inflicted, and he would therefore suggest that some words should be introduced to point out to the Court the reasons why the wife was to be made a party—such, for instance, as giving her an opportunity of vindicating her character.

The ATTORNEY GENERAL said, the wife was made a respondent in order that she might appear and contest the evidence. The Amendments which he proposed to introduce in the clause were these—In line 21, after "so doing," to insert the words, "on every petition presented by the wife for a divorce, the Court, if it seems fit, may direct that the person with whom the husband is alleged to have committed adultery may be made respondent." The second Amendment was to strike out the word "respondents" in the same line and insert "parties". The third, in the next line, to strike out "alleged adulterer" and insert in lieu thereof "allegation in the petition."

Amendment by leave *withdrawn*, and the first two Amendments proposed by the Attorney General agreed to.

On the third, for inserting the words "allegation in the petition," instead of "alleged adulterer,"

Mr. AYRTON observed, that by Clauses 27, 28, 29, the Judge was to decide on several questions, but he thought that all those questions should be presented to the jury. He could not understand how the allegation was to be submitted to a jury while the counter charge was not to be so submitted. Then there was the question of connivance. He submitted that all the questions should be submitted to the jury. He hoped that the hon. and learned Gentleman would take some larger words than those which were proposed for insertion in the clause.

The ATTORNEY GENERAL said, that no petition from a husband would be received that did not contain a denial of connivance. However, he was willing that all contested matters of fact should be submitted to a jury. He, therefore, would propose to insert, instead of "allegation in the petition," "contested matters of fact."

Amendment *agreed to.* Clause *agreed to.*

Clause 27 (Court to be satisfied of absence of collusion).

MR. HENLEY said, he should be glad to know what steps the Court was to take in order to satisfy itself upon that point. Was the Court to try a number of separate issues before it entered into the main case?

MR. AYRTON moved the omission of the words "duty of the Court to satisfy itself," his object being to leave all the questions referred to in the clause to the decision of a jury, and not to the Court, while the effect of those words would be to deprive the subject of those rights which he thought had been secured by Clause 26.

Amendment proposed, to leave out the words "duty of the Court to satisfy itself."

THE ATTORNEY GENERAL said, that the two clauses were to have different functions, and to apply to different circumstances. In some cases there would be a respondent, while in many there would be no appearance. When there was no contest there would be no question for a jury, but it would be the duty of the Court to do that which was now done by the House of Lords—satisfy itself that the allegations of the petition were correct. It was to meet such a case that this clause had been framed. He did not think that its language could be improved.

MR. MALINS said, he thought it was necessary that the Court should satisfy itself as to the facts.

MR. AYRTON said, he should have been satisfied with the explanation given had it not been for the words at the end of the clause, "and shall also inquire into any counter-charge which may be made against the petitioner," which seemed to imply that the clause was applicable not only to a case where there was no appearance, but also to a case where there was not only an appearance, but a counter-charge. He therefore submitted that words should be inserted to show that the clause was applicable only to cases in which there was no appearance. The finding of the Court should, he thought, be founded upon the verdict of the jury, and not upon any subsequent inquiry on the part of the Judges.

MR. BUTT maintained that it would be the duty of the Court to satisfy itself as to the facts, irrespective of any admissions which might be made by the party petitioned against. There was no analogy between the Divorce Court and a Court of Law or Equity, because the former had to deal with an important social relation, and had a great moral duty to perform, which the latter had not. The clause, too, was based upon the canon law.

Question, That those words stand part of the clause, put and *agreed to.*

MR. BOVILL said, he rose to move the insertion after the word "adultery" of the words, "or has by his or her misconduct or wilful neglect conduced to the same." The clause proposed that there should be two subjects of inquiry by the Court, independently of facts alleged in the petition—connivance and condonation. Those matters were an absolute and positive bar to divorce in the Ecclesiastical Courts; but there were other circumstances which ought to be inquired into—namely, whether the husband, supposing he was the party complaining of the adultery, had been guilty of misconduct towards his wife, and whether he had been guilty of wilful neglect of his marriage vows. The object of the words which he proposed was to compel the Court when the suit was not contested, to inquire into the conduct of the husband to see, whether his misconduct and wilful neglect had conduced to the adultery, and if so he apprehended it would be the duty of the Court not to grant the divorce. The husband must prove that he was not the instrument of his own disgrace. As the law existed at present that matter was necessarily investigated, both in the Ecclesiastical Court and in the Court of Common Law. It was more especially so in the latter court, where, although the conduct of the husband was no ground for determining the verdict, it was, nevertheless, taken into consideration by the jury when assessing the damages. And in the House of Lords the matter was carried still further, for by a Standing Order of that House, the petitioner was obliged to tender himself for examination by the Lords at the conclusion of the opening of his case. He thought that this matter ought still more to be attended to than formerly, inasmuch as the Bill extended the facilities for divorce; and, moreover, the House of Lords could exercise a discretion, but when a new tribunal was to be instituted the rules upon which it was to act must be defined.

Amendment proposed, in line 28, after the word "adultery," to insert the words "or has, by his or her misconduct or wilful neglect, conduced to the same."

The ATTORNEY GENERAL said, that independently of any objection to the looseness of the wording of the Amendment, he thought it was unnecessary, as the object which the hon. and learned Gentleman had in view was abundantly provided for in the clause as it stood. The words of the clause had been selected from the vocabulary of the Ecclesiastical Court, where the word "accessory" had been construed to mean any neglect or misconduct on the part of the husband which had led to the commission of adultery by the wife. Misconduct or neglect on the part of the husband at any time, not connected with the adultery, would be a matter totally unconnected with the issue before the Court.

Mr. BUTT said, he was quite prepared to support the hon. and learned Attorney General in his opposition to the Amendment, but he thought the 27th clause was open to improvement. The 28th clause declared what should be a conclusive bar to the husband obtaining a divorce, and the 29th practically covered the object which the hon. and learned Member for Guildford (Mr. Bovill) had in view in making a discretionary bar to a divorce, by providing that the Court should not be bound to pronounce a decree if the petitioner had been guilty of unreasonable delay in presenting or prosecuting such petition, or of cruelty towards the other party to the marriage, or of having deserted the other party before the adultery without reasonable excuse. He would suggest as an improvement to import into this section the words of the 29th clause.

Mr. BOVILL remarked, that the 27th clause imposed a duty upon the Court. The 29th clause contained a proviso that, in certain events, it should not be incumbent upon the Court to pronounce a sentence of divorce. How could that clause come in the place of the 27th? If it did, the 27th clause was mere surplusage. He must persist in asking for the insertion of the words he had proposed, which he believed to be necessary to carry out the expressed intentions of the Government.

Mr. GLADSTONE, without presuming to offer a legal opinion upon the effect of words, wished to observe that it appeared to him quite clear that the clause at present did not stand well. The hon. Member for Youghal (Mr. Butt) had pointed out that the clause must be viewed in connection with the two following clauses. This clause was one directing the Court as to the matters into which it should inquire, and if it were necessary to have specific directions as to what the Court should inquire into, the clause should state all the matters upon which the Court was to adjudicate. This clause directed the Court as to the matters into which it was to inquire, but it did not include all the matters upon which that Court was to adjudicate. In the 28th clause it was laid down that if a petitioner failed upon any of four grounds the petition should not be granted. In the first part of the 29th clause it was declared that if the petition was not found wanting upon any of those four points a decree should be pronounced. There was a discretionary power conferred, but all matters of injury must be stated. If that were not necessary, then the 27th clause was superfluous.

Mr. BUTT said, that defect in the clause was merely verbal, and would be removed according to his suggestion by the insertion at the end of the 27th clause of the words of the 29th clause, "or has been guilty of unreasonable delay in presenting or prosecuting such petition, or of cruelty towards the other party to the marriage, or of having deserted the other party before the adultery complained of and without reasonable excuse." The Court would then have power to inquire into all matters that might influence its own judgment.

Mr. WIGRAM said, he doubted the propriety of importing the words of the 29th clause into the 27th. The object of the words in the 27th clause was, that certain circumstances upon grounds of public policy should preclude the Court from granting a divorce.

Mr. BOVILL said, he did not think that the hon. Gentleman's suggestion would meet all the various cases which might come before the Court. In the 16th clause it was enacted that the practice and rules of the Ecclesiastical Court were to govern the new Court in reference to all cases but those of dissolution of marriage, and he was anxious in this clause to enact that the Court should be governed by the practice and principles which had always been observed by the House of Lords in dealing with divorce Bills.

Mr. MALINS said, he was inclined to agree with his hon. and learned Friend that the clause as it stood was sufficient; but to save time he thought the Attorney General would do well to agree to the insertion of the words in question.

Sir JAMES GRAHAM said, that if the hon. and learned Attorney General would say that he would agree to the insertion of the words proposed, he should not detain the Committee with any further remarks. When the hon. and learned Member first moved the insertion of the words in question he was not inclined to agree with him, but after what had been stated he was bound to say that if the hon. and learned Gentleman took a division upon his proposal he should support him. They were about to transfer to the new tribunal the powers of the present Ecclesiastical Courts, the powers at present possessed by other Courts in *crim. con.* cases, and the powers exercised in such questions by the House of Lords; and he felt certain that the Government could have no desire not to guard the power of granting a divorce *a vinculo* by all the provisions at present in force in these Courts. By the 27th clause the power of inquiry into connivance now exercised by the Ecclesiastical Courts was already given to the new Court; but still there would be wanted the precautions taken by the House of Lords, who would not grant a divorce unless there had been, not nominal, but substantial damages obtained from a jury, and it must be remembered that the verdict in the trial at common law depended upon what the conduct of the husband might have been.

The ATTORNEY GENERAL said, that his objection to the introduction of these words was, that if a husband had been guilty of conduct or of neglect that conduced to his wife's adultery, he would, both in the House of Lords and the Ecclesiastical Courts, properly be said to be "accessory to" that adultery; and that, if to an expression already having a definite meaning they added words expressing the same meaning in a different form, a Court of justice would conclude that they meant something more than was conveyed by the antecedent term. Although he entertained this objection, yet if the general feeling of the Committee was in favour of the Amendment he should be prepared to accept it.

Mr. HENLEY said, he wished to point out that in the 29th clause, in which this word "accessory" occurred again, there was a proviso empowering the Court to refuse a divorce in case the husband had been guilty of unnecessary delay or of cruelty. Therefore, here was something in which the Court was allowed a discretion beyond the matter included by the word "accessory," and he thought that similar words ought to be introduced into this clause.

Sir JAMES GRAHAM said, that if the Attorney General was sure that the word "accessory" would include gross negligence, such as would now induce a jury to give a man only nominal damages, he did not think that this Amendment was necessary.

Mr. WIGRAM suggested that the object aimed at in the Amendment might be attained by adding to the clause a proviso, that a husband or wife who had, by his or her misconduct, conduced to the adultery of the other should not be entitled to a divorce.

Sir JAMES GRAHAM said, that this would introduce a new definition of the word "accessory."

The ATTORNEY GENERAL remarked, that he saw no objection to the adoption of the course suggested by the hon. Member for the University of Cambridge.

Mr. BUTT said, he thought that if this proviso were agreed to, the 28th clause, also referring to cases in which the husband had been "accessory" to his wife's adultery, would not give a discretion to the Judges, but would create a positive bar to divorce.

Sir ERSKINE PERRY said, he was afraid that, without the words, the door would be opened to divorce in cases where it was not at present recognized. He put it to the Committee, and the hon. and learned Attorney General, whether, under the language of this Bill, as it stood, in the case which occurred two or three days ago, where a farthing damages were obtained, the husband would not be entitled to demand a divorce? If that were so he was sure it was not what the Legislature desired to see established.

Mr. WALPOLE said, that this clause referred to the three pleas in bar of a divorce, condonation, connivance, and recrimination, to which the Court was to be bound to attend. The proper clause in which to move the Amendment was the 29th, on which they might consider whether they would give the Judges, in certain cases, a discretion to grant or refuse a divorce.

Mr. HENLEY said, he must remind his right hon. Friend that this 27th clause pointed out into what the Court was to inquire, and of what it was to satisfy itself. It was the more necessary that the Amendment should be made because unopposed cases would be dealt with under this clause.

MR. BOVILL said, he was not prepared to assent to any of the suggestions which had been made to him. The hon. and learned Member for the University of Cambridge (Mr. Wigram) had suggested the addition of a proviso defining the meaning of the word "accessory." Now the fact was that accessory was a word already well known to the law, and the case which he wished to meet was not that case where the word accessory would strictly apply, but it was the case where such misconduct as did not fall within the meaning of the word accessory had taken place, misconduct of that nature which was at present taken into consideration by the Jury in awarding damages, and by the House of Lords in granting a divorce.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 55; Noes 93: Majority 38.

MR. BOVILL said, that the clause contained no provision with regard to collusion, and he should feel it his duty to move the insertion of words which would make it imperative upon the tribunal constituted by the Bill to inquire into the question of collusion. If the Government were sincere in the desire they expressed of not effecting any change in the law, they ought to make it the duty of the Court to inquire whether there was any collusion, and whether the parties were living separate and apart by consent before the adultery, in which case the House of Lords invariably refused a divorce.

Amendment proposed in the same line. After the word "adultery" to insert the words "and whether there has been any collusion, directly or indirectly, between the parties, or any of them, and whether the husband and wife were living separate and apart by consent before the adultery was committed."

MR. COX observed, that the 38th clause required that an affidavit should be filed stating that there was no collusion, and the Court would therefore have the power of inquiring into that question.

Question, "That those words be there inserted, put, and *negatived*.

MR. GLADSTONE observed, that he wished to know whether his hon. and learned Friend (Mr. Bovill) had accurately stated the practice of the House of Lords, because, if so, he must oppose the clause as one essentially departing from the principles acted upon by that tribunal?

THE ATTORNEY GENERAL remarked that he had never understood that the House of Lords considered the simple fact of a husband and wife living apart from one another to be a bar to a Bill of divorce. He would consider the propriety of introducing the words which had just been under discussion into the 29th clause.

MR. GLADSTONE said, he wished to know whether the hon. and learned Gentleman would introduce the word "collusion" into the clause?

THE ATTORNEY GENERAL said, the clause provided that the Court should inquire whether the petitioner had been "conniving" at adultery, and that he thought was sufficient.

MR. GLADSTONE conceived, that the term "connivance" referred entirely to acts of adultery, while "collusion" would apply to arrangements made for obtaining divorces.

LORD JOHN MANNERS said, that the only way in which collusion is provided against was by the 38th clause, which rendered it necessary to file an affidavit. But what is the value of an affidavit?

MR. BOVILL observed, that he believed he had been correct in stating that the fact of husband and wife living separate and apart by consent before adultery was committed had, according to the practice of the House of Lords, been held a positive and absolute bar to divorce.

MR. WALPOLE remarked, that he thought that security against collusion was provided by Clause 38, under which affidavits must be made stating that there was no collusion or connivance, taken in connection with Clause 40, which gave the Court power to examine the petitioner.

MR. HENLEY said, he thought it rather odd that, while the marginal note was in these words, "Court to be satisfied of absence of collusion," the word "collusion" did not occur in the clause.

Clause *agreed to*.

House resumed. Committee report progress; to sit again on *Monday* next at Twelve o'clock.

JOINT-STOCK COMPANIES ACT (1856) AMENDMENT BILL.

THIRD READING.

Order for Third Reading read.

Bill read 3°.

On the Question that the Bill do pass,

Mr. MALINS said, he must object to the passing of the Bill unless certain words were inserted providing that it should apply only to companies established under the 7 & 8 *Vict.*, c. 110. Last year the Joint-Stock Companies Act was passed, by which all insurance companies were excluded, and the 7 & 8 *Vict.*, c. 110, was repealed. In consequence of those two provisions, insurance companies were at liberty to establish themselves under a deed of settlement without being registered, but the present Bill would impose on all those companies established since 1856 penalties for not having complied with the provisions of the 7 & 8 *Victoria.* This would be *ex post facto* legislation, and he therefore must oppose the passing of the Bill, unless the words he had suggested were introduced.

Mr. ADAMS said, he would also oppose the Bill in its present shape, for if it passed without the proposed Amendment gross injustice would be done.

Mr. WILSON promised to introduce words in the Bill in the other House to the effect desired.

Mr. MALINS said, he was quite content with this understanding.

Bill *passed.*

JURISDICTION IN SIAM BILL.

SECOND READING.

Order for Second Reading read.

Mr. HENLEY, amid some laughter, asked who had charge of this Bill, and whether any one knew anything about it.

The SOLICITOR GENERAL said, he only happened to know incidentally that the necessity for this Bill arose from an Order in Council which transferred the jurisdiction from the Court of Siam to the Court of Singapore; and unless that Order was confirmed by Act of Parliament it would not operate with reference to Singapore.

Bill read 2°, and *committed* for *To-morrow.*

CHARITABLE TRUSTS ACT CONTINUANCE BILL.—COMMITTEE.

Order for Committee read.

Mr. WIGRAM said, the continuance of these exceptions with reference to Roman Catholic charities was very unsatisfactory. When the noble Lord the Member for the City of London was at the head of the Government he distinctly pledged himself to continue the exceptions for two years and no longer.

Mr. KINNAIRD reminded the House that a distinct pledge was given last year that the subject should be dealt with in the present Session.

Mr. BAINES said, a pledge was certainly given in the last Session, not that the exemption should cease this year, but that the Government would do their best to settle the question. A Bill was accordingly introduced with that object, but a Committee of the House of Lords, to which it was referred, reported that in consequence of the importance of the question it would be impossible to legislate in the present year. They therefore recommended that the whole subject should stand over until next Session, and that there should be a Continuance Bill for one year.

Mr. NEWDEGATE said, those who consented to the former Bills—and he was one of the number—were very anxious that active measures should be taken to settle the matter.

House in Committee.

Clause 1,

Mr. WIGRAM moved the substitution of the 1st of June for the 1st of September, 1858, as the period of exemption.

Viscount PALMERSTON said, he hoped the Committee would not limit the period within which a Bill was to be introduced next year.

Mr. MALINS suggested the withdrawal of the Amendment, because the Government had now sufficient notice that something must be done in the next Session.

Amendment *withdrawn.* Bill passed through Committee.

House resumed. Bill *reported* without Amendment; to be read 3° *To-morrow.*

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.—COMMITTEE.

Order for Committee read. Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. ROEBUCK objected to the House going into Committee upon this Bill owing to the lateness of the hour (twenty minutes past one).

Motion made and Question proposed, "That the Debate be now adjourned."

Sir ERSKINE PERRY said, that the hon. and learned Member had already given in his adhesion to the principle of the Bill, and he was not acting fairly in opposing the Bill going into Committee.

Mr. BERNAL OSBORNE said, he thought the House was much indebted to the hon. and learned Member for having watched the progress of the measure through the House, as it was a most mischievous Bill whatever may have been the motives of those who introduced it.

Sir GEORGE GREY thought the Bill should not be proceeded with at that hour of the morning.

Mr. MALINS said, the Bill was not new to the House if it was new to the Secretary of the Admiralty. The Secretary of State for the Home Department had given it his full approval, and yet the hon. Gentleman had come down and designated it as a mischievous measure.

Original Question and Motion by leave *withdrawn.* Committee *deferred* till *Wednesday* next.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Saturday, August 15, 1857.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned, to Monday next.

HOUSE OF COMMONS,

Saturday, August 15, 1857.

Minutes.] 3° Charitable Trusts Acts Continuance; Mutiny (East India); Parochial Schoolmasters (Scotland) (No. 2.)

NEW PALACE YARD. QUESTION.

Mr. CONOLLY said, he would beg to ask the First Commissioner of Works whether his attention has been drawn to the present arrangement for ingress to and egress from New Palace Yard, and whether it is not possible to effect some improvement in the same?

Sir BENJAMIN HALL said, he was not at all aware of any inconvenience of the kind referred to until he saw the notice of the hon. Member's question on the paper. He would make inquiry into the matter, and if any inconvenience was experienced from the present arrangement, he would take steps to have it remedied.

MR. GLADSTONE AND THE *MORNING POST.*—EXPLANATION.

Mr. GLADSTONE said, he would beg for a moment to be permitted to advert to the personal statement he had made on the previous night. It appeared that he had used the word "falsehoods" with respect to the allegations made in reference to himself of which he had then complained, and as that term might imply wilful falsehoods, he begged to explain that his intention was simply to use the word "untruths."

MILITIA BILL.—COMMITTEE.

Order for Committee read.

Mr. STAFFORD said, allusion had been made in a recent debate to the difficulty of procuring recruits for the militia, and no Member, except the Prime Minister, had taken any notice of that statement. He (Mr. Stafford) had since made it his business to ascertain whether there was any reason assigned for that difficulty, for he thought it would be a pity that the statement in question should go forth to the public if there was no foundation for it. He confessed he had no apprehension of such difficulty being felt. At the present moment it was, no doubt, of the utmost importance that every hour of sunshine and daylight should be made use of in getting in the harvest; and, in consequence of the large quantities of cereals now grown in Ireland, the same amount of labour was not available for this country as in former years, but as soon as the harvest was completed there would be no difficulty in obtaining recruits. The liberal scale of pensions given to the soldiers at the close of the Crimean war would be a great inducement to men even of a better class than usual to enlist. There was also a very general feeling throughout the country that the soldier should be well provided for and well looked after. It would not fail to have a beneficial effect if some reliable assurances were given by the War Office that every care should be taken of the men during the perilous and dangerous service on which they embarked; and he suggested the desirability of the Under Secretary for War, before the close of the Session, laying before the House all the arrangements for clothing, medical comforts, and hospital accommodation to be provided for the army serving abroad.

House in Committee.

Bill passed through Committee.

House resumed. Bill reported, as *amended,* to be considered on *Monday.*

CONSOLIDATION FUND (APPROPRIATION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

Mr. CAIRD said, he wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer with respect to the Vote of £10,000 for an Industrial Museum in Edinburgh, which was withdrawn by the Government in Committee of Supply.

The CHAIRMAN ruled that it would be irregular to raise a discussion upon a clause which did not refer to the Vote.

Motion made, and Question proposed, "That the Chairman report progress and ask leave to sit again."

Mr. CAIRD said, the question which he wished to put to the right hon. Gentleman was whether he would introduce the Vote again on Monday in Committee of Supply. The Scotch Members generally were not present to support the Vote on a former occasion, believing that there was no necessity for their remaining, as the proposal had been adopted by the Government. It was impossible to draw a comparison between England and Scotland, because the institutions of England were Imperial. But it was quite possible to institute a comparison between Scotland and Ireland, and he found that while in income-tax, property-tax, and probate and legacy duties, Scotland contributed more than Ireland, Ireland received by Votes out of the Consolidated Fund £1,800,000 annually, to £400,000, or four times as much as Scotland. It was a proper object to establish an Industrial Museum in the capital of Scotland, where the produce of the country could be seen, and a great injustice had been done to Scotland by the withdrawal of the Vote.

Mr. HADFIELD said, he hoped that they would not for a moment put Scotland in comparison with Ireland.

Mr. GLADSTONE said, he rose to implore peace between Scotland and Ireland, and to assure Irish Members that the bellicose sentiments of the hon. Member for Sheffield (Mr. Hadfield) were not participated in by the generality of Members. At the same time he was bound to say in honour to Ireland that within the last three or four years they had imposed burdens before unknown on that country, and those burdens had been cheerfully borne. With regard to the Scotch Museum, he thought his hon. Friend (Mr. Caird) had done no more than his duty in bringing it before their attention, but he apprehended that it was totally impossible for the Chancellor of the Exchequer to comply with the request which had been made. Whether they were absolutely precluded by the rules of the House he could not say, but it would be utterly irregular to bring in the Vote again on Monday next. They could not expect to hear any more of the proposal this Session. He was very sorry it was not discussed the other night upon the merits. There was no opportunity for discussing it, because there was a natural inclination to close Committee of Supply. It was unfortunate, whatever the cause, that the Vote was withdrawn, as the feelings of Scotland were wounded by the proposal being thrown over, after it had received the sanction of successive Governments. Ireland, he believed, had a similar institution in Dublin. He hoped his right hon. Friend the Chancellor of the Exchequer would give an assurance that the question had not escaped the attention of the Government, and that, upon full consideration of the amount required, they were prepared to submit as early as possible a Vote to give effect to a design not only gratifying but eminently useful.

Mr. DE VERE said, he would deprecate comparisons between the burdens and contributions of different parts of the empire.

The CHANCELLOR of the EXCHEQUER said, he should consider the matter simply on the merits, without entering upon comparisons, which were proverbially odious. The grant was actually moved, and an opportunity given to any hon. Member to state his opinions upon it. Some years ago ground in Edinburgh was purchased with a view to the erection of an Industrial Museum. During the war the Government did not think it desirable to propose any Vote for that purpose, but this year they did propose a Vote, and as the site had cost between £8,000 and £9,000, they did not think £40,000 an unreasonable sum. They proposed to take £10,000 this year, which would have given the means of completing a considerable portion of the building without any very heavy pressure on the finances. Representations were made by persons of weight and influence urging the Government to purchase land adjoining that which had been previously acquired, but the Government resisted the proposal, and adhered to the original design. When the matter came to be discussed in Committee of Supply, there seemed to be a rather strong impression that the Government were about to make large demands on the finances for assistance to the East India Company. The feeling pervaded the House, and induced reluctance to vote anything not absolutely necessary. In deference to what seemed to be the all but universal opinion of the Committee, the Government withdrew the Vote, and he felt sure that if it had been pressed to a division a majority would have voted against it. He would take this opportunity of expressing his opinion that while he admitted the justice of many of the criticisms on the augmentation of the civil estimates, still that increase of expenditure, if not in almost every case, certainly in a majority of cases, was not made for any corrupt or profligate objects, or for the gratification of any personal or individual tastes, but for the purposes of general and public utility. Such, for example, was the Vote for a Museum in the city of Edinburgh. As had been suggested, the Government would feel it their duty at as early a period as convenient to repeat the proposition to the House, but he did not think any advantage would arise from attempting to bring forward more Votes in Committee of Supply during the present Session.

Mr. MACARTNEY said, he had opposed the Vote, simply because he thought they ought to suspend all Votes not absolutely required with the very large expenditure which must be now anticipated.

The LORD ADVOCATE said, he was not present when this grant was last before the House, otherwise he should have made an observation upon it. He believed it was intended and calculated to serve a very useful and important purpose—important, not only to Scotland, but to the whole country. Scotland had always shown herself ready to take advantage of the means available for the promotion of great public objects, as in the case of agricultural statistics, where both landlords and tenants had evinced the utmost willingness to do that which was only now beginning to be done partially in England. He hoped that the next time the Vote was proposed it would not be treated as a Scotch question.

Motion, by leave, *withdrawn.*

Bill passed through Committee.

House resumed. Bill *reported,* without Amendment; to be read 3° on *Monday,* at Twelve o'clock.

CROWDED DWELLINGS PREVENTION BILL.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. AYRTON said, that as he understood the object of the Bill, it was to declare that wherever two or more persons chose to reside together in a house or part of a house, and they were not within certain very limited degrees of consanguinity, their dwelling was to be treated as a common lodging-house, exposed to the visitation of inspectors, and brought within all the stringent and arbitrary clauses of the Act for the regulation of lodging-houses. That appeared to him to be a great infraction of the liberties of the humbler classes, and, however benevolent the object might be it was their duty to take care that they were not carried away by their feelings to pass a law which would place the people entirely under the power and control of the Executive Officers of the Government, who were to regulate all their social affairs.

Mr. COWPER said, that words had been introduced into the Bill since it had come down from the Lords which would entirely obviate the objections taken by the hon. Member for the Tower Hamlets. The provisions of the measure would only apply to dwellings which would come under the designation of common lodging-houses. All that the Bill attempted to do with the Lodging-houses Act was to define the word "family," and how far it would extend in order to exempt a common lodging-house from the operation of the Act. So far as the operation of the common Lodging-house Acts was concerned, it had been found to be beneficial to the keepers of those houses as well as the lodgers. The right hon. Gentleman read some extracts from the Report of the Commissioner of Police, showing the wretchedly crowded state of some of the lower class of lodging-houses, and the scenes of profligacy and indecency which they presented, and as the present Bill was simply an Amendment in one very small respect of the existing Act, he hoped the House would consent to go into Committee on the Bill.

Mr. HENLEY said, he would remind the House that it was expressly stated by the noble Lord at the head of the Government on the previous night that the Bills to be dealt with in the sitting that day would be those only which were unopposed.

Mr. COWPER said, under those circumstances he would postpone proceeding with the Bill until Monday.

Mr. RIDLEY suggested that the Bill should be postponed altogether for the present Session, inasmuch as otherwise it would be impossible to collect the opinion of the country on its probable operation before it passed into a law.

Motion, by leave, *withdrawn.*

Committee *deferred* till *Monday.*

House adjourned at Two o'clock.

HOUSE OF LORDS,

Monday, August 17, 1857.

MINUTES.] PUBLIC BILLS.—1^{a} Consolidated Fund Appropriation; Militia Pay; Probates and Letters of Administration (Ireland); Mutiny (East India); Joint Stock Companies Act (1856) Amendment; Parochial Schoolmasters (Scotland) (No. 2).

3^{a} Lunatics (Scotland); Burial Acts Amendment; Boundaries of Burghs Extension (Scotland); Married Women's Reversionary Interest.

COMMISSION.—The following Bills received the Royal Assent: County Court Judges (Falconer and Yates's Salaries); Superannuation Act Amendment; Boundaries of Land (Ireland); General Board of Health Continuance; Attornies and Solicitors (Colonial Courts); Illicit Distillation (Ireland); Loan Societies; Burial Grounds (Scotland) Act (1855) Amendment; Summary Proceedings before Justices of the Peace; Glebe Lands (Ireland); Banking; Crown, &c. Suits (Scotland); Land Tax Commissioners Names; Industrial Schools; Municipal Corporations; Fraudulent Trustees, &c.; New Zealand Loan Guarantee; New Zealand Company's Claims; New Zealand Government Act Amendment.

JOINT-STOCK COMPANIES BILL.

COMMONS AMENDMENTS CONSIDERED.

Commons' Amendments and Reasons for disagreeing to Lords' Amendments *considered* (according to Order).

THE LORD CHANCELLOR said, that, although there were certain Amendments to which he could not advise their Lordships to agree, he proposed to assent to the main point in dispute, with respect to this Bill, between their Lordships' House and the House of Commons. The question had reference to the Tipperary Bank. The object of the Bill was to enable a certain portion of the creditors of joint-stock companies to effect compromises between the creditors and shareholders, so as to bind the whole. Unquestionably, such a Bill was, in one sense, not just, inasmuch as it interfered with the rights which parties had as the law now stood; for, at present, every creditor of such a company might bring an action against any or every shareholder in it. In the case of the Tipperary Bank a dividend of 2*s.* in the pound had been paid, and it was provided by the Bill, as it passed their Lordships' House, that the judgment creditors should be left to enforce their judgments if they chose, but that if they did so, they should be bound to give up the 2*s.* in the pound they had received as dividends, and should not receive any future dividend until all creditors had been paid *pari passu.* In the House of Commons, however, it was proposed that those creditors who had received 2*s.* in the pound should keep that amount, and should still be enabled to enforce their judgments, but it was provided that they should not receive any further dividend, or issue any process except by leave of the Court. He thought it might be reasonable to allow the dividend of 2*s.* in the pound to be retained by those creditors who had received it, but he moved that their Lordships should insist upon their proposal that such creditors should not be entitled to receive any further dividend or to have recourse to any other remedy than could be obtained in respect of the judgments against the lands. The noble and learned Lord then moved to agree to the Commons' Amendments, with Amendments having the effect stated.

LORD ST. LEONARDS quite disagreed with the course his noble and learned Friend proposed to adopt. He quite assented to the Amendments of the Commons, which were just what they ought to have made, and tallied completely with the views which he had endeavoured to impress upon their Lordships when this Bill was before them. The official manager of the estate had come here to support the shareholders at the expense of the creditors, whose interest they were bound to protect. The Commons wished to confine the judgment creditors to the dividend they had already received and the property over which they had made a claim, but not to have any further dividend till the other creditors were paid the same amount. Many of the shareholders had now mortgaged their estates for nominal sums, and had left the country. As the Bill had gone down to the House of Commons, the judgment creditors would receive no redress whatever. The Commons had precluded the judgment creditors from receiving further dividends, or issuing further writs, except by leave of the Court. There was, therefore, a perfect check upon them, and it was most unjust to take from them what they had already received. The difficulty had arisen from the belief that banking companies were not under the operation of the bankruptcy law. This, he thought, was a mistake, and he should introduce an Amendment into the Irish Joint-Stock Companies Act for the purpose of settling the question. He trusted his noble and learned Friend would not persevere in his objections to these Amendments. The noble and learned Lord then moved, "to disagree to the said Amendments."

The LORD CHANCELLOR said, that under the Winding-up Order, a portion of the estate had been collected, which would have been divided amongst the creditors if there had been no reference claims. But certain creditors had obtained judgments, and became, by the law of Ireland, mortgagees over the property of those shareholders against whom they had proceeded. If all the creditors had done the same thing, there would have been a frightful amount of expense, all the property would have gone to the lawyers, and it was to stop these proceedings that this Bill was introduced. It appeared to their Lordships that those creditors should enforce their judgment upon the lands on which they had mortgages, refunding the 2*s.* in the pound which they had already realized. Now, he agreed, from what he had heard since, that these creditors should retain what they had already recovered, since that did not amount to 2*s.* in the pound; but he could not agree to let them have a claim upon the other assets of the estate.

Lord STANLEY of ALDERLEY said, that, as he understood the judgment creditors had the option of enforcing their judgment or coming in with the other creditors. But the Amendment of the Commons would permit the judgment creditors to proceed against other property than that upon which they had mortgages. The Amendment was introduced into the Commons at two o'clock in the morning, when there were but thirteen Members present, and some of those objected.

Lord ST. LEONARDS said, that the creditors were shut out from any claim on any further dividend, except by leave of the Court.

On Question, whether to agree to Commons' Amendments to the said Bill with the said Amendments, their Lordships *divided*:—

Contents 11; Not-Contents 9: Majority 2.

Commons' Amendments *agreed to*, with Amendments; and Bill returned to the Commons.

CONTENTS.

Cambridge, D.
Cranworth, L. (*L. Chancellor.*)
Granville, E.
Harrowby, E.
Campbell, L.
Congleton, L.
Foley, L. [*Teller.*]
Glenelg, L.
Panmure, L.
Stanley of Alderley, L. [*Teller.*]
Sundridge, L. (*D. Argyll.*)

NOT-CONTENTS.

Beauchamp, E.
Harrington, E.
Romney, E.
Verulam, E. [*Teller.*]
Colville of Culross, L. [*Teller.*]
Denman, L.
Redesdale, L.
Saint Leonards, L.
Wynford, L.

REFORMATORY SCHOOLS BILL.

Commons Amendments and reasons for disagreeing to Lords Amendments *considered* (according to order):

Moved, Not to insist on the Amendments to which the Commons disagree; on Question, Whether to insist?

Resolved in the *negative:*

Commons Amendments *agreed to;* and message sent to the Commons to acquaint them therewith.

DULWICH COLLEGE BILL.

Commons Amendments *considered* (according to order).

The Earl of HARROWBY moved, that their Lordships should disagree to the Commons' Amendments, respecting the constitution of the governing body of the college. This House had adopted the scheme proposed by the Charity Commissioners, by which the governing body was to consist of four persons, chosen by four London parishes, and eleven by the Court of Chancery. The House of Commons, however, altered this scheme, entrusting the management to eight persons chosen by the parishes, two by the magistrates, and three by the Archbishop of Canterbury, three others being the President and Vice President of the Council of Education, and the President of the Poor Law Board. The result of this constitution would, in all probability, be that the eight persons last mentioned would not attend with any regularity, and that the eight persons named by the parishes would possess the sole management of the charity. So important a trust, he thought, ought not to be confided to a body thus constituted; and he therefore proposed that their Lordships should adhere to the composition of the governing body as suggested by the Charity Commissioners, and as adopted by this House, and should disagree with the

Amendments in Clauses 3, 4, 5, and part of Clause 6. With this and another less important exception he should not object to the remaining Amendments.

LORD CAMPBELL said, the main object in such a case should be to observe what it might be supposed would be the wishes of the founder. Now, the constitution of the governing body proposed by the Charity Commissioners was, he believed, just that which Alleyne himself, could he start from his grave, would approve; and he therefore quite concurred in the motion of his noble Friend (the Earl of Harrowby).

Motion *agreed to;* some Amendments *disagreed to,* others *agreed to;* and a Committee appointed to prepare reasons to be offered to the Commons for the Lords disagreeing to some of the said Amendments: the Committee to meet *immediately:* Report from the Committee of Reasons, read, and *agreed to ;* and a message sent to the Commons to return the said Bill, with the Amendments and Reasons.

House adjourned at half-past Six o'clock, till *To-morrow,* half-past Four o'clock.

HOUSE OF COMMONS,

Monday, August 17, 1857.

MINUTES.] PUBLIC BILLS.—1° Kelp Manufacture (Ireland).
3° Consolidated Fund (Appropriation); Probates and Letters of Administration (Ireland); Jurisdiction in Siam.

MERSEY CONSERVANCY BILL.

SELECT COMMITTEE MOVED FOR.

SIR JAMES GRAHAM said, he rose to beg the attention of the House for a few minutes upon a private Bill of great local and public interest. The Mersey Conservancy Bill received the sanction of the House, upon the second reading, without a division. It was referred to a Select Committee, over which he presided, and the inquiry before them occupied twenty-five days. Two principles were laid down: 1. That the management of the Liverpool Docks should be transferred to a trust, elected by ratepayers; 2. That all dues levied for harbour purposes should be applied to the purposes of the harbour. The amount of harbour dues last year was £150,000, and the great question in the transfer of the management from the Corporation of Liverpool *quâ* Dock Trustees to the new trust, was the extent to which the council should be relieved from the debt upon the dock fund. The Committee of this House, after grave consideration, thought fit to award a sum of £750,000 as the portion of debt to be transferred to the Dock Trust, and, on the third reading of the Bill, the recommendation was affirmed by the House. The principle of the Bill was discussed in the other House, and affirmed upon the second reading. It was then sent to a Committee, and there, while the principles he had mentioned remained unchanged, the Committee, thinking that, under all the circumstances, the amount of liability transferred was too small, had made an alteration in the details, which increased the sum transferred to the Dock Trust in the shape of debt from £750,000 to nearly £1,500,000. He had not had an opportunity of consulting his colleagues of the Committee; but such was the unanimity which existed among them, that he was certain, in their absence, he could express their opinion as Chairman. In point of strict equity, he thought the arrangement proposed by the Commissioners satisfied just demands; but, considering the length of time the Corporation of Liverpool had enjoyed the advantage of managing the docks, and the partial recognition of it in the Municipal Act, the view was justified that a larger sum than that awarded by the Commissioners should be transferred. This transfer, however, could not be carried into effect by the Bill sent up to the other House, as the alteration involved a question of privilege. He was happy to say that, after much litigation, the conflicting parties were now entirely agreed. It was of the last importance that a year should not be lost. The existing state of the works was inadequate to the growing trade of the port. It was most desirable that, on the Cheshire shore, an extension of works should immediately take place. Without the concurrence of Parliament in the proposal he was about to submit, a most inexpedient delay would be rendered necessary. He was, therefore, strongly of opinion that it would be wise to introduce a new Bill, giving effect to the arrangement which had been settled by the Committee of the House of Lords—and which was satisfactory to all the parties concerned—and authorizing the immediate prosecution of a great work which it was of the last importance should not be postponed. He begged to move that a Select

Committee be appointed to inspect the Lords' Journals relative to the Mersey Conservancy Bill, and to make a Report thereon to the House. That Report would be that the Bill was at an end, and at six o'clock, upon the presentation of the Report, he would move that a new Bill be introduced and passed through all its stages without delay.

Mr. J. C. EWART seconded the Motion, which was agreed to.

Committee *appointed,* "to inspect the Journals of the House of Lords in relation to any proceedings upon the Mersey Conservancy Bill, and to make Report thereof to the House:"—Sir James Graham, Mr. Lowe, Mr. FitzRoy, Mr. Joseph Ewart, Mr. Henley, Sir William Heathcote, Sir John Yarde Buller, and Mr. Adams:—To withdraw immediately:—Three to be the quorum.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee; Mr. FitzRoy in the Chair.

Clause 28 (Dismissal of Petitions).

Mr. HENLEY said, the Committee would recollect that in Clause 25 there were five offences enumerated, any one of which, if added to adultery, would entitle a wife to apply for divorce. Supposing, then, a woman to present a petition alleging adultery combined with bigamy, and the Court to find that adultery had been committed but not bigamy, in that case, under Clause 28, the Court would not have power to dismiss the petition, while under Clause 29 it would not have power to make a decree. He should be glad to hear some explanation of its actual meaning and force.

The ATTORNEY GENERAL said, that the 27th and 28th clauses had been introduced with this particular view—to ascertain, in uncontested cases, that there was no suspicion of collusion. The clauses were put in, not as defining or limiting what the Court was to do in certain cases, but as imposing upon it an obligation in all cases. The clause gave the Court the power, and enforced the duty, of ascertaining that there had been no connivance or combination on the part of husband and wife to obtain a divorce. It did not give the Court power to dismiss an uncontested petition which had merits, but it imposed the duty of ascertaining, by any possible means, whether or not there had been collusion. The clause was directed specially to the crime of adultery, because there was no fear or danger of collusion in cases involving the other grounds of divorce pointed out in Clause 25. The effect of Clause 29 would be to enlarge the area of defence, and at the end of the clause a discretionary power was given to the Court to refuse the decree in cases of unnecessary delay or cruelty. The three Clauses, 27, 28, and 29, were to be taken together, and were intended to provide for the various contingencies connected with uncontested petitions.

Mr. HENLEY said, that, in order formally to raise a discussion upon the point, he would move to leave out the words "alleged adultery," and substitute "facts alleged." He perfectly understood that the intention of the clause was to govern the Court in the dealing with uncontested cases; but it was necessary to look beyond those intentions, and to ascertain what would be the effect of the words contained in the various clauses of the Bill. It appeared to him that the new Court would have no jurisdiction but the statutable one given by this Bill, and therefore, as one clause recited the causes for which the Court should dismiss a petition, while another defined the cases in which the Court should make decrees, it would seem that these two clauses would rather restrict the action of the Court.

Amendment proposed, to leave out the words "alleged adultery," in order to insert the words "facts alleged."

Question proposed, "That the words 'alleged adultery' stand part of the clause."

The ATTORNEY GENERAL said, if any material facts were alleged in a petition, and not proved to the satisfaction of the Court, it would be in the power of the Court to dismiss the petition. The clause only defined what things the Court should absolutely require to have proved in cases where there was no respondent. He thought the clause as it stood was intelligible, and did not require amendment.

Sir WILLIAM HEATHCOTE said, he wished to point out that in the case of a wife's petition, where the adultery complained of must be combined with some other offence, the latter might not be proved, but the Court could not dismiss the petition if the adultery were proved. He thought such a provision might tend to encourage collusive proceedings.

Lord JOHN MANNERS observed,

further that he thought the point deserved consideration.

Mr. BUTT remarked, that he did not feel the difficulty experienced by the right hon. Gentleman (Mr. Henley), for there was an inherent power in any Court to dismiss any case that might come before it.

Amendment, by leave, *withdrawn.*

Mr. BOVILL observed, that the effect of the clause would be to render adultery, committed during marriage by the petitioner, an absolute bar against obtaining a divorce. It would be better, he thought, to make it a discretionary bar—namely, to give the Court discretion to say whether such adultery should be a bar, thus enabling it to take into consideration the circumstances under which it had been committed, and whether it had been condoned or not. He proposed that the words "or shall find that the petitioner has during marriage been guilty of adultery," should be struck out of the clause.

The ATTORNEY GENERAL said, he had no objection to the Amendment.

Mr. HENLEY remarked, that he preferred the clause as it stood.

Mr. AYRTON said, there had been cases in the Ecclesiastical Court where a condoned act of adultery on the part of the husband had not been held to be a bar to divorce.

Amendment *agreed to;* words struck out.

Other Amendments made.

Mr. BUTT said, that in order to avoid collusive suits, he would move the insertion of the words, "or that the petition has been presented or prosecuted in collusion with either of the other parties."

The ATTORNEY GENERAL observed, that he should offer no objection to the Amendment, and it was agreed to.

Words *added.*

Mr. INGRAM said, he would propose an Amendment, prohibiting a man or woman from petitioning the Court more than once in five years in the same case. If parties who disagreed were allowed to go perpetually before the Court, the worst passions would be engendered and domestic peace be wholly destroyed. On the other hand, in an interval of five years evil passions might cool down and a chance would be left for reconciliation.

The ATTORNEY GENERAL said, that as the Bill stood, if a petition were dismissed, it would not be competent for the petitioner to present it a second time.

Amendment, by leave, *withdrawn;* clause, as amended, *agreed to.*

Clause 29 (Decree dissolving Marriage).

Mr. BUTT said, he should move the omission of the words "or has committed adultery," in order to assimilate the clause to the preceding clause.

The ATTORNEY GENERAL said, he was not disinclined to support the proposal.

Mr. WALPOLE said, he could not but express his regret that Amendments were introduced in such a way that they could not receive proper consideration. For his own part, he believed that the act of adultery alone, on the part of the petitioner, ought to form a complete bar to a divorce being granted; and, therefore, he was opposed to the omission of the words.

Lord JOHN MANNERS said, that with regard to the hurried consideration bestowed upon the Bill, the blame must rest with the Government, who called upon that House to sit, at the end of August, from noon to midnight to consider a question of such vast importance.

The ATTORNEY GENERAL remarked, that he had no objection to take his share of the blame which was laid upon the Government; but he hoped that the Committe would in future support him in opposing Amendments brought forward without notice, and which the Government thought it would not be desirable to introduce.

Mr. HENLEY said, that he objected to the omission of the words, as their omission would alter the whole of the existing law, which made adultery on the part of the petitioner a bar to a divorce. The hon. and learned Gentleman (Mr. Butt) had spoken of venial adultery, but it would, he thought, be very difficult to find a definition of venial adultery.

The ATTORNEY GENERAL said, he was of opinion that it was absolutely necessary, after the alterations which had been introduced into the preceding clause, that some change should be effected in that which was under discussion. If, therefore, the hon. and learned Member for Youghal would withdraw his Amendment he should move the omission from the clause after the word "petitioner" of the words "has committed adultery during the marriage or," and the clause would then run thus:—"In case the Court shall be satisfied upon the evidence that the case of the petitioner has been proved, and shall not find the petitioner in any manner accessory to the adultery complained of, &c."

MR. BUTT said, that in acordance with the suggestion of the hon. and learned Attorney General he would withdraw his Amendment.

Amendment proposed, To leave out the words "has committed adultery during the marriage or."

MR. M'MAHON contended, that if they were to pass the clause in the shape which was proposed they would be violating all principle and making the decision, in the single case which had been cited by the hon. Member for the Tower Hamlets (Mr. Ayrton), and which was quite an exceptional case, the general rule.

SIR GEORGE GREY said, it was not proposed to lay down any general rule upon the subject, but to give to the new Court a discretionary power in dealing with exceptional cases, such as that to which the hon. and learned Member had alluded.

MR. MALINS said, he was of opinion that it was desirable a discretionary power of that nature should be conferred.

MR. WIGRAM remarked, that he thought that if the words were struck out a greater alteration would be made than the Committee contemplated. Discretion would then be given in all cases of adultery committed by the husband. That was very different from giving discretion when the adultery had been condoned by the wife.

Question put, "That the words 'has committed adultery' stand part of the Clause."

The Committee *divided*:—Ayes 37; Noes 78: Majority 41.

Words *struck out.*

MR. MONSELL said, he now proposed to leave out the words "such marriage to be dissolved," for the purpose of inserting the words "sentence of judicial separation for life." He thought it the best way of raising the important question, that had not been considered by the Committee or the House in connection with this Bill, whether they would give to the Court about to be constituted the power of granting divorce *a vinculo*, with power to the parties to marry again.

MR. WIGRAM said, he rose to order. He doubted if it was competent to raise the question after the Committee had passed the 25th clause.

THE CHAIRMAN said, that the Committee having decided to give the new Court power to grant divorce by the 25th clause, the question could not again be raised.

MR. MONSELL said, his object in wishing to take a discussion on the question of divorced parties then, was to save time.

SIR WILLIAM HEATHCOTE then stated, on behalf of his right hon. Colleague, that as the Amendment which stood in his name referred to the Amendment which he proposed to make in the 53rd clause, he would not press it at present.

MR. WALPOLE said, he would now move to add as a proviso, words "which would prevent the Court from pronouncing such decree where the petitioner is shown to have committed adultery which has not been condoned." Such a proviso would maintain the existing principle of the law, which laid down that a person guilty of adultery, which, on the part of the husband, was the cause, in nine cases out of ten, of the fall of the wife, should not be able to obtain a divorce.

Amendment proposed, in page 8, line 2, after the words "not be," to insert the words "at liberty to pronounce such decree where the petitioner is shown to have committed adultery which has not been condoned, nor shall it be."

THE ATTORNEY GENERAL said, that he had no apprehension that a Court of justice, in granting divorce *a vinculo* upon the application of either the husband or wife, would not, where there was a counter charge of adultery proved, hold that fact to be a bar to the divorce. The words proposed by the right hon. Gentleman would apply only to cases of continuous adultery. Supposing the case of a young man married twenty-five years ago, who then, without the knowledge of it ever reaching his wife until now, had committed a single act of adultery, it would surely be very hard at such a distance of time to dig up that remote circumstance. He thought it would be better to leave the matter as it was. The Court would be bound to act upon the general principle, but not to give effect to a single transgression, such as he had mentioned. He would have no objection to insert in the clause the following words:—"If it shall be found that the Petitioner has, during the marriage, been guilty of adultery."

LORD JOHN RUSSELL said, he wished to call the attention of the Committee to the fact that the Attorney General had put a particular case as a reason for opposing the Amendment. A Bill of this kind could not be framed without leaving some cases of peculiar hardship; but it appeared to him (Lord J. Russell) that, if the proposal of the Attorney General were agreed to, the law would be that, if the husband had gone on for five years in a course of open and continuous adultery, and in the sixth year the wife, misled by his bad example, should become forgetful of her marriage duties, and also commit adultery, then the Court would be at liberty to give a divorce at the suit of the husband, but not at the suit of the wife. The hon. and learned Gentleman said the Court would probably not act in that way, but they were framing an Act of Parliament on which the grounds of granting divorces were to be set out. He (Lord J. Russell) had been always apprehensive of enlarging very much the facilities for divorce; but this clause would enlarge them very much indeed in favour of the husband, while, at the same time, it was very restrictive in the case of the wife. It might be, that the new Court for a few years would follow the practice of the Ecclesiastical Court, but after a time the practice would change, and there would be nothing in the Act to prevent the Court from saying that it could not take into consideration any previous adultery on the part of the husband—that it was an unimportant circumstance, but that any adultery on the part of the wife should be a ground for granting a divorce to the husband. Such a course would be an encouragement of profligacy, and would lead to a disruption of the proper conditions of married life most fearful to contemplate. He regretted that the Bill did not stand in the same shape as it had come down from the House of Lords, and thought the best thing they could do was to agree to the proposal of the right hon. Gentleman.

Mr. CLAY said, he should oppose the Amendment, and would beg leave to suggest a case in which, under the influence of intoxication, or any other equally palliating circumstances, a man might once in his life be seduced into a house of ill-fame. Twenty years after, his wife, totally ignorant of the fact, might commit adultery; and on his seeking redress would, by the aid of spies and informers, who were always called into requisition in such proceedings, rake up the hitherto forgotten fact, and defeat his petition. Here he thought was a case stronger than that which had been supposed by the noble Lord.

Sir WILLIAM HEATHCOTE said, he had always regarded with alarm the proposed increased discretion to be given to the new Court, but his alarm had been much increased by a statement which had been made, that the Amendments to the Bill should be so shaped as to give to the new Court the same amount of discretion in granting divorces which the Legislature at present of necessity arrogated to itself.

Sir GEORGE GREY said, the proposal of the right hon. Gentleman (Mr. Walpole), and the observations of the noble Lord (Lord J. Russell), showed a mistrust of the Court, as if it were not fit to be charged with any discretionary power. He would leave all such cases as had been raised by the right hon. Gentleman and the noble Lord the Member for London to be inquired into by the Court and decided upon according to their merits. He did not himself think the Court would be so regardless of its duty as to refuse to entertain the question, whether the husband seeking a divorce had committed adultery at any period during his marriage, especially as the 27th clause imposed upon it the necessity of inquiring into counter charges.

Mr. HENLEY said, courts of justice went very much by precedents. Indeed, they were often the creatures and slaves of precedents, and there was, therefore, danger lest the period that might elapse after the adultery of the husband might be brought down step by step from nine years, for which there was a precedent, to one year. There might be some difficulty in limiting the case as proposed by his right hon. Friend (Mr. Walpole), but there were still greater difficulties on the other side, and, therefore, he should divide with his right hon. Friend.

Mr. WIGRAM said, he would remind the Committee that no judicial separation could be given if there was uncondoned adultery on the part of the husband, and the same principle ought to be extended to cases of dissolution of marriage.

Mr. AYRTON said, he would support the clause as proposed by the Attorney General. The Court should be left to deal with all these questions as they arose.

Mr. MALINS said, he believed it would be impossible to get three Judges to grant a divorce in the circumstances stated by the noble Lord the Member for London—namely, where a husband had been living in open adultery for a period of five years. He thus far agreed with his right hon. Friend (Mr. Walpole) that where it was proved a husband had been guilty of adultery which the wife had not condoned divorce should not be given.

The ATTORNEY GENERAL said, that on further consideration he must still oppose the Amendment. Notorious profligacy on the part of the husband would, of course, be a bar to divorce; but it was absurd to say that one act of adultery, which had always remained unknown to the wife, and which had been atoned for by long years of repentance and fidelity, should act with equal force.

Lord JOHN RUSSELL said, that in adopting the suggestion of the hon. and learned Attorney General the Committee would be sanctioning an alteration of the law of great importance, which would work for the husband against the wife, and would deprive her of a sort of security which she at present possessed, against the commission of adultery by the husband. It must be assumed that the House of Lords had shaped the clause in accordance with their present practice, and that if there had been adultery on the part of the man a divorce would be refused by them; but the suggestion of the hon. and learned Attorney General, if carried out, would leave the new Court at liberty to exercise its own discretion.

Mr. BUTT thought this a case in which a discretion might be left to the Judges, as it was quite impossible that any Judge could grant a decree in the teeth of such an extreme case as that cited by the noble Lord. In the case of manslaughter, the Judges had a discretion either to fine a man sixpence, or to transport him for life. Did any man suppose that under any possible circumstances they would combine to fine all persons proved guilty of manslaughter sixpence?

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 41; Noes 80: Majority 39.

Mr. BOVILL moved the insertion of words providing that the Court should be allowed to dismiss a petition "where the petitioner shall have been guilty during the marriage of misconduct or neglect towards the other party to the marriage."

The ATTORNEY GENERAL said, he could not accept this Amendment, but he would have no objection, instead of these words, to add to the clause words limiting this ground of refusal of a divorce to "such wilful neglect or misconduct as has conduced to the adultery."

Mr. BOVILL said, he would accept this suggestion.

Amendment, by leave, *withdrawn.*

Mr. BOVILL said, he had further to move the insertion of words providing that the Court should not be bound to pronounce a divorce "where the parties should have been living separate and apart from each other by consent before the adultery." This would only be to carry out the existing law, because the House of Lords by a Standing Order refused to grant a divorce in all such cases.

Mr. BUTT said, he thought that the existing law would be better carried out by the insertion instead of the words proposed by the hon. and learned Member for Guildford (Mr. Bovill), of the words "or have deserted the other party, or have wilfully separated from the other party." Although by a Standing Order of the year 1798 the petitioner for a divorce might be examined at the bar of the House of Lords as to whether his wife was at the time the adultery was committed living with or apart from him, their Lordships had granted divorces in several cases in which the parties before the commission of the adultery had been separated by deed.

The ATTORNEY GENERAL remarked that he would suggest that the hon. and learned Member for Guildford (Mr. Bovill) should withdraw his Amendment in favour of that proposed by the hon. and learned Member for Youghal (Mr. Butt).

Mr. BOVILL withdrew his Amendment, and the words proposed by Mr. Butt were inserted in the clause.

The words previously suggested by the Attorney General "such wilful neglect or misconduct as has conduced to the adultery," were then added to the clause.

Mr. BOVILL said, he would now propose, in order to give the widest possible discretion to the Court to refuse a divorce, to add the words "or where the petitioner could not have heretofore obtained a divorce."

Mr. WIGRAM suggested that the Amendment should run, "or under any other circumstances in which it shall appear to the Court unfit or improper to grant a divorce."

Mr. COX said, he should oppose the Amendment, which was *negatived.*

On the Question that the clause as amended stand part of the Bill,

Mr. MONSELL said, he rose to make some remarks upon the general character of the clause. The Court about to be established would have the power of absolutely dissolving marriage, and allowing the parties to be married again. The importance of that principle every one must recognise. He might safely say that no hon. Gentleman present ever pronounced an opinion before on a question involving such great social consequences. It was quite clear that this clause made marriage dissoluble for the first time in ninety-nine out of every 100 families in the country. Whether it altered the existing law of the land or not he would not say; but this was quite evident that, as regarded the great mass of the population, it made marriages for the first time dissoluble. He asked the warmest supporters of the Bill whether the people had had a fair opportunity for pronouncing an opinion on such a subject. He gathered from the discussions which had taken place, that even the Members of that House themselves were at sea on the subject of marriage and divorce. They seemed to be unable to fix upon any principle which they could fairly and logically carry out in the different limitations which they themselves had proposed to the Bill. Were they certain, he asked, that they were right when they were opposing what had been the law of all Christendom for many centuries—and if they were wrong, had they calculated all the consequences that would follow? In Prussia there had been a constant addition to the grounds of divorce *a vinculo*, and the results had been frightful, holding out a warning to us which we ought not to despise or neglect. The result was that those persons who were most desirous of improving the tone of morality in Prussia were anxious to revert to that principle with reference to the dissolubility of the marriage tie, from which they had departed; while in the case of France it was notorious that its inhabitants had found cause to repent the doctrines upon the subject which had been legalized at the time of the Revolution, and had therefore, in 1816, deemed it advisable to return to their ancient law of marriage, by that means saving themselves from those unhappy consequences which might be anticipated to follow in this country the passing of the Bill under the consideration of the Committee. With regard to Scotland it was distinctly proved by the right hon. Member for the University of Oxford (Mr. Gladstone) that power of obtaining divorces was in the hands of but a small portion of the community. As it was near the hour (ten minutes to four) when further discussion on this Bill must for a time be suspended, he should offer no further observations in opposition to the clause, but should content himself with moving that it be omitted from the Bill.

Question put, "That Clause 29, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 88; Noes 21: Majority 67.

Clause *agreed to.*

House resumed. Committee report progress; to sit again *this day*, at six o'clock.

MERSEY CONSERVANCY AND DOCKS BILL.

REPORT OF SELECT COMMITTEE.

SIR JAMES GRAHAM having brought up the Report of the Select Committee, which had been appointed at the morning sitting, said that in consequence of the decision of the Committee it became necessary for him to invite the House to suspend the Standing Orders and read the Bill a first and second time that evening, and refer it to a Committee to be nominated by the Committee of Selection. That Committee might sit on Wednesday, and thus afford an opportunity for the parties who were opposed to one or two clauses to have their objections fully heard. He was sorry to say that having an important engagement elsewhere, he should not be able to take part in the ulterior proceedings with respect to the Bill. He would wish to have the opinion of the right hon. Gentleman in the chair as to the course he had suggested being consistent with the practice of the House, and at the same time he begged to state that if unhappily the arrangement, which was in the nature of a compromise arrangement, were not carried out, he should consider the whole question re-opened, and that the settlement of the present Session was not binding on any one.

MR. J. C. EWART said, he hoped the House would agree to the suggestion of the right hon. Baronet, for he could assure them the Liverpool Corporation were decidedly in favour of the Bill.

MR. HENLEY remarked, he could understand the suspension of Standing Orders to allow an arrangement made in the House of Lords to be carried out; but if any parties wanted to be heard, the question assumed a different shape, and he would therefore suggest that the right hon. Baronet might take the course he proposed, with the understanding that the Bill should go no further if there were any petition.

MR. SPEAKER said, the question raised by the right hon. Baronet seemed to be one for the House to decide rather than for him to give any decision; but, for himself, he thought there could be no objection to the course proposed by the right hon. Baronet—namely, that the Bill should be brought in, read a first and second time, and then referred to a Committee appointen by the Committee of Selection. The party claiming to be heard would in that case have a hearing, and it would then be for the Committee to decide what was the nature of the objection, and whether there was any serious difficulty to the Bill making further progress. After the decision to which the House had come in the morning, the magnitude of the case seemed to be such as called for the suspension of the ordinary rules of the House.

MR. GILPIN said, he thought no other state of the case than that of all parties being agreed could justify the House in departing from its usual course, and was afraid that a contrary proceeding might form a very inconvenient precedent.

SIR WILLIAM HEATHCOTE said, he considered the House ought to be very much on its guard, if the Bill was not to be an unopposed Bill. It occurred to him, however, after what had passed at the morning sitting, that no inconvenience would result from reading the Bill a first and second time that evening; but even if a single petition were presented against the Bill, the House ought to pause there for fear of doing an injustice to any of the parties concerned, by too rapid a course of proceeding.

Report *ordered* to lie on the Table.

MERSEY CONSERVANCY AND DOCKS (NO. 2) BILL.—LEAVE.

FIRST AND SECOND READING.

SIR JAMES GRAHAM said, that after what had passed, he felt justified in moving for leave to bring in the Bill, to suspend Standing Orders, so as to read it a first and second time, and to refer it to the Committee of Selection.

Another Bill, for consolidating the Docks at Liverpool and Birkenhead into one Estate, and for vesting the control and management of them in one Public Trust; and for other purposes (Queen's *Consent* signified).

Ordered to be brought in by SIR JAMES GRAHAM and MR. JOSEPH EWART.

MR. FITZROY said, he hoped the Bill would not be allowed to proceed if a *bona fide* opposition should arise. He would not give a decided opinion, but he thought there was no precedent for suspending Standing Orders in the case of an opposed Bill. The House could not prejudice the interests of any party by reading the Bill a second time; but if the Dock Committee were prepared to introduce Amendments they ought to be allowed an opportunity of making their statements. He therefore hoped that means would be taken to register the opinion of the House, that in the event of a *bona fide* opposition, the Bill should not be pressed beyond the second reading.

MR. J. C. EWART said, the Dock Committee did not oppose the principle of the Bill, but were anxious to be heard on some of the clauses.

SIR JAMES GRAHAM said, the safest course would be to read the Bill a second time, and then refer it to a Select Committee. He hoped that the parties before that Committee would come to an amicable arrangement; but if no such arrangement should be made, and the schedule of the Bill should be altered, he thought justice required that all the parties who had been heard before, and who might dissent from the proposed alteration, should have an opportunity of making their statements. At this period of the Session that would be impossible, and therefore the Bill ought not to be proceeded with further.

MR. HENLEY said, he would almost go the length of saying that not a single alteration ought to be allowed to be made in the Bill. He was ready to consent to the present course in order to get rid of a technical difficulty arising from the forms of the House, so that an arrangement known to both Houses of Parliament might be carried out; but if alterations were to be made in the Bill before the Select Committee, they might be quite contrary to the decision of the House of Lords. To send the Bill before a Committee with the view of having any of its clauses changed or modified would be to establish a very inconvenient precedent, and therefore he hoped the Bill would not be altered in any particular.

MR. LABOUCHERE said, he would willingly admit the great importance of settling the long-disputed question which had arisen in regard to the conservancy of the Mersey in the present Session; but, on the other hand, it was of the utmost consequence that they should not depart from their usual mode of conducting private business. If the right hon. Baronet the Member for Carlisle, whose great experience in the business of that House, both public and private, and whose thorough acquaintance with the subject of this Bill all must acknowledge, could attend the meetings of the Select Committee, they would then have an assurance that their intentions would be properly carried into effect; but, unfortunately, the right hon. Baronet had stated that he was obliged to leave town, and therefore the House would not have the advantage of his services. For his own part, he was desirous that no technical difficulty should be thrown in the way of a satisfactory settlement of this question, but he thought that no substantial alteration should be allowed to be made in the Bill without the full cognizance of both Houses.

MR. DISRAELI said, that the probable absence of the right hon. Baronet the Member for Carlisle was not the only circumstance which ought to be taken into account. The hon. Member for Liverpool (Mr. Ewart), had intimated that a portion of his constituents wished to be heard by counsel on some of the clauses. Now, if that were to be the case in agreeing to the present proposal, he thought they were taking a step which might lead to very inconvenient consequences. Perhaps the hon. Gentleman would state to the House whether he had the consent of his colleague to the proposed arrangement, and also give an assurance that if the House agreed to the second reading, the Bill would go before the Committee as an unopposed Bill, and no attempt would be made to introduce Amendments.

MR. J. C. EWART stated, that the opinion of his colleague was quite in accordance with his own. He had not said that counsel were to be heard, but merely that the Dock Committee wished to state to the Select Committee some objections which they entertained to two or three of the clauses.

SIR JAMES GRAHAM said, he had engagements at a distance from London to-morrow, which he could not postpone, and he was afraid, therefore, it would be quite impossible for him to take any part in the further progress of this measure. He had come to the conclusion, after what had been said, that, upon the whole, the safest course would be to follow the advice of the right hon. Member for Oxfordshire (Mr. Henley), and let the Bill go before the Select Committee as an unopposed Bill. The House had gone very far in marking its desire not to obstruct the progress of the measure. If the parties could not come to an arrangement he was afraid the further progress of the Bill, with a due regard to the interests of those concerned, must be arrested. The responsibility of so arresting it would devolve upon those who had been heard fully before two Committees, and who were yet dissatisfied with the result: and he hoped the House would let it be understood that in a future Session this question would be regarded as entirely open, and the arrangement now suggested as of no force whatever. In the meantime he would rest satisfied with having moved the second reading, and would not proceed to move that the Bill be referred to a Select Committee, hoping that it would be allowed to go forward as an unopposed Bill.

MR. FITZROY said, he would remind the right hon. Baronet that the course he proposed was impossible, because as soon as the Bill had been read a second time a petition would be lodged against it, thus bringing it under the category of opposed Bills. As soon as any petition was presented the Bill became at once an opposed Bill.

SIR JAMES GRAHAM said, that no petition had been presented, nor did he believe that any would be presented. If the Bill were opposed it must be lost, and the responsibility for that would rest upon the opponents of the Bill.

SIR WILLIAM HEATHCOTE suggested that some precautions should be taken to limit the time fixed for presenting petitions.

Ordered, That the Standing Orders in the case of the said Bill be suspended, and that the Bill be read a first and second time this day.

Bill *presented*, and read 1°, 2°, and *committed* to a Select Committee to be nominated by this House.

SIR JAMES GRAHAM said, that in order to give effect to the suggestion of the hon. Baronet he would move that Wednesday next, at two o'clock, be the latest period for receiving petitions against the Bill.

MR. FITZROY said, he thought that was a fair arrangement. He should move that the Bill be referred to the Committee of Selection to appoint a Committee to consider it, and that the Committee should meet on Wednesday next, at three o'clock.

MR. HENLEY remarked, that he believed the members of the Committee of Selection had all disappeared. If so, it would be difficult to get a Committee appointed.

MR. LOWE said, he did not think the point was material. If the same parties chose to oppose the Bill upon this occasion they must understand that they had not the slightest chance of carrying their points, although they might succeed in defeating the Bill. Under existing circumstances, those Gentlemen would have no chance whatever of carrying their points before this or any other Committee, and if the Bill was lost the responsibility rested with them.

Ordered, That the said Committee do sit and proceed upon *Wednesday* next, at Three of the clock.

Ordered, That any Petitions praying to be heard against the said Bill be deposited in the Private Bill Office not later than Two of the clock on Wednesday next.

THE INTERNATIONAL CONGRESS AT BRUSSELS.—QUESTION.

MR. CONINGHAM said, he would beg to ask the Vice President of the Committee of Council on Education whether Mr. F. O. Ward has been correctly reported to have said, at the International Congress at Brussels, in September last, that the application of the Public Health Act to two hundred houses in England has diminished the mortality by fifty per cent, and has in their vicinity quadrupled the fertility of the soil? In consequence of the quotations made the other night by the hon. Member for Finsbury (Mr. Cox) from the speech supposed to have been delivered by Mr. Ward at the Congress alluded to—that gentleman being a friend of his—he (Mr. Coningham) was anxious to clear his character from any erroneous impressions which such quotations might have conveyed.

MR. COWPER said, that Mr. Ward was not officially connected with the Board of Health, but as he had with great zeal and ability supported the adoption of certain sanitary measures which he (Mr. Cowper) believed had been the means of saving the lives of many thousands of the population, he had shared in some of the misrepresentations which had been lavished on the Board of Health. He had before him a copy of the speech made by Mr. Ward at the International Congress held last September at Brussels, and could deny the correctness of the quotations made. The fact was that the extracts referred to were wholly disjointed—one half of the gentleman's meaning being conveyed without the remainder. Mr. Ward did not rate the mortality in the whole town nor that arising from all causes in the way alleged; he only spoke of the mortality in certain wretched portions of the metropolis, and as arising from the effects of impure air and putrid water. And Mr. Ward's statement was fully supported by the returns of the official authorities on the subject. In respect to the other subject to which Mr. Ward alluded, that gentleman was speaking of the increase of fertility occasioned by an improved distribution of the sewage, and was only alluding to what was well known to have taken place in Edinburgh, Ayr, and other towns. If the hon. Member for Finsbury (Mr. Cox) were in his place he would no doubt confirm that part of the statement, at all events.

THE INDIAN BUDGET.—QUESTION.

LORD CLAUD HAMILTON said, he wished to ask the President of the Board of Control, on what day he proposes to make the usual annual statement on Indian Finance.

MR. VERNON SMITH said, that the practice of making an annual statement upon Indian Finance had arisen from a desire on the part of the House to direct its attention during one day in the Session to the state of affairs in India, and the wish to hear the President of the Board of Control explain the prospective Estimate of Indian Revenue and Expenditure. During the present Session the unfortunate events that had occurred in India had awakened the attention of Parliament, and upon two or three occasions the House had been occupied in discussing the affairs of India. Owing also to the confusion that had taken place in the north-western provinces any estimate of Indian Finance prepared before the recent mutiny must of course be perfectly fallacious. Under these circumstances, and considering the lateness of the Session, and the unlikelihood that hon. Members would remain in town to hear any statement he could make, the Government had determined not to bring forward this year the usual financial statement with regard to India.

LEGISLATIVE COUNCIL OF MALTA. QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for the Colonies whether any steps have been taken or any Order in Council has been issued to remove from the Legislative Council of Malta any Priest or other Minister of Religion, and to prohibit them in future from being elected or sitting as Members of the said Council.

MR. LABOUCHERE said, the Crown had been advised to issue an Order in

Council declaring Priests of any persuasion ineligible to sit as Members of the Legislative Council of Malta. The Order in Council was not retrospective in its operation, and would not disturb those who now held seats in the Council. When the next general election should take place, however, the rule would be observed that no Priest of any persuasion whatever, would be eligible to a seat in the Legislative Council.

STIPENDIARY MAGISTRATE FOR KILKENNY.—QUESTION.

MR. SULLIVAN said, he wished to ask the Chief Secretary for Ireland, whether it is the intention of Government to appoint a Stipendiary Magistrate for the district of Kilkenny, in the room of Mr. T. Green, who has been physically unable for many months to attend his magisterial duties.

MR. H. A. HERBERT said, he could not say that it was the intention of the Government to make an immediate appointment, as there was no acknowledged vacancy in the office to which the hon. Gentleman had alluded. A statement had, however, been made to the Government that Mr. Green was unable to attend to his magisterial duties. If this inability seemed likely to be permanent, the Government would be prepared to take steps to remedy the inconvenience.

THE LIBERTY OF THE INDIAN PRESS.

QUESTION.

MR. DISRAELI: I wish, Sir, to make an inquiry of Her Majesty's Government respecting an Act of the Legislative Council of India, which has been lately passed (I believe it is number fifteen of the year 1857), restricting the liberty of the press in the dominions of the East India Company. I wish to know of the right hon. Gentleman the President of the Board of Control, whether he would object before we separate to place a copy of that Act on the table?

MR. VERNON SMITH: Sir, I have not the least objection to place a copy of that Act on the table. I may say that it has been only passed for one year.

MR. DISRAELI: There are two other documents which I wish to have laid on the Table of the House, and if there is no objection to produce them, I will make a Motion for their production. One is a copy of the Despatch of the Governor General of India, explaining the reason why he has extended this law of restriction to the loyal European subjects of Her Majesty, as well as to the Natives; and I also wish for a copy of a Memorial addressed to the Governor General on the subject by the European population. If there is no objection to the production of these papers I will give notice of a Motion for their production as unopposed returns.

MR. VERNON SMITH: I have no objection to the production of such papers as we have. The Despatch of the Governor General is in the possession of the Government, but I am not sure that we have the Memorial; if we have it, it shall be produced.

MR. AYRTON: Will there be any objection to lay on the table a copy of the *Friend of India*, for which a warning was given to that journal?

MR. VERNON SMITH: If the hon. Gentleman will communicate with me in private, I will endeavour to meet his wishes.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee; Mr. FITZROY in the Chair.

Clause 30.

MR. HENLEY said, that in Clause 16, provision was made that in all suits other than for a dissolution of marriage, the Court should proceed on the principle now acted on in the Ecclesiastical Court, and so grant alimony and the means of carrying on a suit to a wife *pendente lite;* but he did not find in this clause any provision of that kind applicable to divorce *a vinculo*.

LORD LOVAINE said, he should move, in the first line of Clause 30, to substitute the word "shall" for the words "may if it shall think fit," the effect of which would be to render it obligatory instead of discretionary in the new Court, on pronouncing a decree dissolving a marriage at the instance of the wife, to make it a condition that the husband should secure the payment of alimony to her, either in a gross sum or an annual one.

Amendment proposed, To leave out the words "may if it shall think fit" in order to insert the word "shall."

THE ATTORNEY GENERAL said, that in Divorce Bills hitherto, the House of Commons had always been in the practice of awarding some means of maintenance to the wife when the husband only was concerned. He thought, however, for the future that the power to grant alimony had better be discretionary in the Court, as the clause as it now stood provided it should be, for otherwise it might operate very inconveniently in many cases where the wife might not be entitled to such consideration from the Court. He would say, in reply to the right hon. Gentleman (Mr. Henley), that it was undoubtedly true that the Bill as at present worded, would not, in a suit for a dissolution of marriage, throw on the Court the obligation of adopting the practice of the Ecclesiastical Courts. In a suit for judicial separation the practice of the Ecclesiastical Courts might possibly be adopted by the new Court; but it was a matter for grave consideration whether that practice, which was extremely anomalous, was or was not a desirable thing to maintain. He thought where a wife applied for a divorce *a vinculo* it would be desirable to leave the Court unfettered, because otherwise there might be, as at present, many cases where the wife might fall into the hands of an extortionate legal adviser, who would subject the husband to a grievous amount of expense.

MR. HENLEY said, he would remind the hon. and learned Attorney General that, according to Clause 16, the Committee had already decided in effect that the Court should be guided by the rules and principles of the Ecclesiastical Courts; and he thought it was not asking too much that in a suit for dissolution of marriage the wife should not be left without reasonable means of carrying on that suit, which might otherwise be denied her by a profligate husband.

THE ATTORNEY GENERAL said, it was a common law liability on the husband to maintain the wife; but it was a rule peculiar to the Ecclesiastical Courts to make him liable to assist her in carrying on a legal proceeding against him. He should, however, take the point suggested by the right hon. Gentleman into consideration, and endeavour to provide for it.

LORD LOVAINE said, he thought some consideration should be given to the fact that the wife might be abandoned by the husband and left without any resources at all, even in cases where she had brought him a fortune on their marriage.

MR. MALINS said, as the clause proposed to take away the property of the husband for the wife, he thought it was only fair that there should be also a power given to the husband to take away the property of the wife in order to prevent the adulterer having the advantage of it, and that it should be settled on the children.

LORD JOHN MANNERS suggested, that the clause should be altered to meet the views put forward by the hon. and learned Member behind him (Mr. Malins), inasmuch as he believed that such cases had really occurred.

Question, That the words "may if it think fit," put, and *agreed to.*

MR. BUTT said, such cases as those alluded to had been actually provided for by the 47th clause. The case, however, brought forward by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) was not provided for by the Bill. The House of Lords was always in the habit, when a husband petitioned for a divorce Bill, of ordering a sum of money to be set aside for the wife, to enable her, if she could, to defend herself. The point, however, could be more conveniently raised on the 32nd clause. He had given notice of an Amendment, which he thought was but justice to the parties concerned. It would be observed that the clause provided that "the Court may, if it shall think fit, make it a condition that the husband" should secure alimony to the wife. He thought these words would be inadequate to insure a provision for the wife, and he would propose a substitution of the words "absolutely order" for the words "make it a condition."

Amendment proposed, Before the word "that" to insert the words "or in the case of a divorce obtained on the petition of the wife may absolutely order."

Question proposed, That those words be there inserted.

THE ATTORNEY GENERAL said, he was willing to consent to the substitution of the simple word "order" for the words "make it a condition."

Amendment by leave *withdrawn,* and an Amendment, in accordance with the suggestion of the Attorney General, *agreed to.*

Clause *agreed to.*

Clause 31 (Power to Court to impose a fine upon the adulterer).

MR. PULLER said, he had given notice of his intention to move that instead of the words "whenever in any such petition presented by a husband the alleged adulterer shall have been made a co-respondent and the adultery shall have been established," the words "whenever in any such petition presented for the dissolution of a marriage, or for a decree of judicial separation on the ground of adultery" be inserted in the clause. It would be necessary, as a preliminary Amendment, that he should move the substitution of the word "on" for the word "in." Up to the present time adultery had not been treated as a crime by the law of this country, but had been dealt with as a sin by the Ecclesiastical Courts. This clause, however, proposed to abolish the action of *crim. con.* and give the Court the power of imposing a fine upon the adulterer, and also of ordering him to pay the whole or any part of the costs of the proceedings. It appeared to him that this was a most inadequate mode of dealing with adultery. The Bill did not call adultery a crime or a misdemeanour, and he thought that was quite right, because, if adultery had been so described in the Bill, offenders might have been indicted by discarded servants, or by utter strangers, without the consent of the injured husband or wife. Substantially, however, adultery was constituted a crime by the Bill, and it was for the Committee to determine whether the mere imposition of a fine upon the adulterer was a satisfactory mode of treating such a crime, the offending wife being left wholly untouched. With the view of giving the Committee an opportunity of expressing their opinion upon that point, he intended subsequently to move the insertion of words which would enable the Court "to order the respondent, and also the co-respondent, if any, to be punished by fine or imprisonment, or by fine and imprisonment, as if convicted of a misdemeanour." Having stated reasons last Friday why this change should be made, he would not now repeat them, but would move his first Amendment in line 20 to insert the word "on" instead of "in."

Amendment proposed in p. 8, l. 20, To leave out the word "in" in order to substitute the word "on."

Question proposed, That the word "in" stand part of the clause.

THE ATTORNEY GENERAL said, that the clause, besides the question raised by the hon. Member for Hertfordshire (Mr. Puller), involved another very important consideration, whether in these proceedings it should be competent for the Court to impose on the adulterer any pecuniary penalty to be applied for the benefit of the husband or the children of the marriage, or as provision for the unfortunate wife. The present Amendment proposed by the hon. Member for Hertfordshire involved the question, if question it ought now to be considered, whether adultery should be criminally punished. He did not mean now to go into the question at any length, because he believed that the testimony of all persons, who had directed their attention to the subject, combined in condemnation of the principle of making adultery criminally punishable, and history showed that that principle, when attempted to be put in practice, had signally failed. On the occasion of different divorce Bills passing the Legislature the principle had, more or less, been brought under discussion, and there were three solemn debates, which took place in the House of Lords and in the House of Commons on the subject, and which were reported in the Parliamentary Journals. They occurred, he believed, in 1781, in 1800, and again in 1812; and on all occasions it had been the opinion of that House that to treat and punish adultery as an offence against the State, would not tend to advance the interests of morality, and that to do so, was not required by the principles of criminal legislation, but rather overstepped the limits of criminal jurisdiction. He did not intend to detain the Committee by a repetition of the arguments drawn from those sources, where every argument which could be brought to bear on the subject was urged, because he believed that the distinction between those things, the repression of which must be left to religious and moral education, and what properly belonged to the laws of offended society to punish, must be obvious to every one who had considered the question. He trusted that the Committee would adhere to that which on every occasion was recognized as the true principle, that it was not by any law, making an offence like adultery a crime, that it could be repressed, for it was not by such means that people could be made more religious or moral. He should, therefore, oppose the proposed Amendment. It would no doubt be observed that the Bill, as brought down from the House of Lords, did embody in a limited form, the principle of criminal punishment, so far as the imposition of a fine upon the adulterer went. That was not, however, the provision of the Government, and he had given notice of Amendments to alter altogether the character of that Enactment; and in the discussion on those Amendments the question would arise whether it was right and fit, under any circumstances, to permit the injured husband either to recover from the adulterer pecuniary damages, or to make the adulterer amenable in money to be applied for the benefit of the husband, the protection of the children, or as a provision for the wife. When these Amendments came under consideration he should endeavour to explain his views, but, at present, confining himself to the immediate Amendment of the hon. Member for Hertfordshire, he must, on the part of the Government, state that he was prepared to resist altogether any attempt to make adultery the subject of criminal punishment, and to add it to the list of offences amenable to the criminal law.

Lord JOHN MANNERS said, that so far as he had studied the question, it appeared to him that the universal testimony of history was rather against than in favour of the view taken by the hon. and learned Attorney General. The homily against adultery contained a list of the different nations which, in different parts of the world, and at different epochs, had treated adultery as a heinous offence against society. From the statement there contained, it appeared that the Jews, the Egyptians, the Arabs, the inhabitants of the north of Germany, had all treated it in the same manner, that is, punished it with death; and the laws of Scotland were nearly as severe. In no part of the world had the law in this respect been more considered than in France; and what, he asked, was the state of the law there? There the guilty persons were subject to imprisonment extending from three months to two years. He did not say that the object of the Bill was to encourage and reward the commission of the crime of adultery, but he must say that that would be the effect of the measure, when he found that adultery would not be punished as an offence against social order, and that permission was given to the adulterer to marry the guilty woman as soon as she should be divorced. He did not understand whether or not the hon. and learned Attorney General intended to leave in the Bill that provision—he could hardly call it punishment—which would impose a fine on the adulterer. But even if the hon. and learned Gentleman consented to retain that provision, he contended that without some such Amendment as the one under discussion, the tendency of the Bill would be to encourage, and not to discourage, the adulterer and adultress. It was said that until the time of the Commonwealth the idea never occurred of making this great crime a subject of punishment. Now, on other occasions they had heard a great deal about the *Reformatio Legum*, and the opinions of Cranmer and his associates, on the subject of divorce. Did Cranmer look upon adultery as a private injury with which the public law ought have no concern? On the contrary, the *Reformatio Legum* condemned the adulterer or adultress either to perpetual banishment or perpetual imprisonment, thus not only inflicting a most severe punishment, but rendering intermarriage impossible. The present Bill, as sanctioned by the hon. and learned Attorney General, however, treated this great question with a lightness, a favour, and an encouragement which you would search the records of history for in vain, and would not find imported into any code either in ancient or modern times. Let them see how this clause would operate on the different classes of society. With regard to the pecuniary fine, it was quite clear that the wealthy seducer of his neighbour's wife, if he only paid the money, might marry or discard the woman as he chose, and then nothing more would be said about it; while the poor man would be sent to prison, not because he had committed a great offence, but because he had not the money wherewith to condone it. They were told that this was a Bill to put the poor and the rich on an equality; but where was the equality in this case? It appeared to him a mere mockery of justice to imprison the poor man while the rich adulterer escaped on payment of a fine. The Committee should remember that Lord Lyndhurst and other high authorities declared that adultery ought to be regarded as a crime, and to be punished as such. Could any offence be conceived which struck more at the peace of families and at the welfare of society? And he augured the worst social consequences from a system of law which would teach the rich that the payment of a sum of money, not larger perhaps than the fee payable for taking out a patent, would allow them to commit this offence with perfect impunity, so far as the law was concerned. If the Committee desired to discourage the commission of adultery in this country, he entreated them to support the Amendment of the hon. Member for Hertfordshire (Mr. Puller).

Mr. BUTT said, that the Committee would involve themselves in considerable difficulty if they attempted on the present clause to discuss the question whether adultery should be made a criminal offence. Nothing would be more objectionable or unprecedented in English law than to allow a man to be convicted and punished for a criminal offence upon a civil suit. The mixture of civil and criminal process, as proposed by this Amendment, would be a mongrel kind of proceeding, the only effect of which, he believed, would be to introduce endless confusion. Did the hon. and learned Gentleman mean that if, as was quite possible, the act of adultery was committed in ignorance, the party should be visited with imprisonment, though in such a case he might be civilly liable, and the sentence of divorce would follow? So much was he (Mr. Butt) opposed to a proceeding of this kind that he even intended to object to the words imposing a fine on the adulterer. It was said that this fine was a substitute for the action for criminal proceedings. He might be uttering a very unpopular sentiment, but he must say that he thought it a very inefficient substitute. The fine imposed was only given to the person who possessed the means of instituting proceedings for a divorce in this high court, while the Bill abolished an action which might have its faults and its scandals (though these, he believed, had been exaggerated), but which certainly had been and now was the means of protecting the poor man. If, however, adultery was a high criminal offence, he objected to their deciding that question at all upon a clause of this sort. Then again, was the possibility of punishment to depend upon the accident of proceedings being taken in a civil court? Suppose husband and wife to be both guilty, the remedy given by this Bill was taken away, and no suit could be instituted. It would be productive of bad effects to say the adulterer ought to be punished with imprisonment, but at the same time to throw a shield, so to speak, around him by declaring that he can only be punished provided a suit for divorce were instituted. He contended that if adultery was a criminal offence it ought to be dealt with by the proper criminal tribunals of the country, with such safeguards as the wisdom of Parliament might see fit to enact, and not by a civil court; and such a question would best be raised by the introduction of a distinct clause containing a provision of that kind.

Mr. M'MAHON said, he thought it was better to reserve this question until they reached the 54th Section. He would observe, however, that inasmuch as the Bill would put an end to actions of *crim. con.*, it would almost induce parties to commit adultery unless it were made a misdemeanour. In so doing they would merely follow the example of other countries. In Scotland adultery was still punishable as a crime. The law of France punished both adulterer and adultress by fine and imprisonment. In nearly every American State adultery was punishable as a misdemeanour. The hon. and learned Attorney General said, that in 1800 the Legislature repudiated the idea of treating adultery as a crime. But in that year the House of Lords agreed, with the sanction of Lord Eldon, to a Bill rendering adultery a crime; and when this Bill came to that House it had the support of Mr. Pitt and Mr. Erskine. It passed the second reading by a large majority, and was eventually rejected on account of a provision being added preventing the guilty parties marrying. Were they then to encourage adultery by taking away the action of *crim. con.*, at the same time abstaining from imposing any criminal punishment upon the offence? They did not even leave the matter as it stood at common law, by which he thought it was very doubtful if adultery was not an indictable offence.

Mr. WIGRAM said, he would suggest to the hon. Member for Hertfordshire (Mr. Puller) that a division merely upon the question whether "on" should be substituted for "in" would not accomplish his object, and that he had better withdraw his Amendment, with the view of taking a division upon an Amendment to the effect that imprisonment should be inflicted for adultery.

Mr. PULLER submitted that the question of imprisonment of the adulterer was fairly raised by this clause. He was, however, quite willing to take any course the Committee might think fit; and if they thought the object he had in view could be better accomplished by his bringing in a new clause than by amending this, he would do so.

Mr. HENLEY said, he was afraid that the mere substitution of "on" for "in" would not enable the Committee to get rid of the difficulties connected with the clause. It was quite plain that the hon. and learned Attorney General had completely thrown over the whole clause, at which he was not surprised. The Amendment suggested by the hon. and learned Attorney General changed altogether the object and aspect of the clause. The clause would in its new shape introduce a very anomalous state of things, for it would enable a Court to impose a fine without any crime having been proved. It would be impossible to know for what the adulterer had been fined. The hon. and learned Attorney General argued that it was alike at variance with history and with social advantage to make this a crime, and that hon. and learned Gentleman had given notice of an Amendment declaring that the fine should be applied in the discretion of the Judge for the benefit of the husband, of the children, or of the divorced wife. If, however, there was to be an inoculation of the compensation principle in the Bill, all the analogies of our law required that the amount should be fixed by the jury, not by the Court. None of the Amendments which stood in the name of the hon. Member for Hertfordshire would exactly raise the question intended to be raised—namely, whether adultery should be made punishable by fine and imprisonment. If the Court was to impose a fine the offence ought to be constituted a misdemeanour. On the other hand, if the mulct was to take the shape of compensation they would be re-enacting the scandal attached to the odious action of *crim. con.*, by which a man put the wages of his own dishonour into his pocket. The hon. and learned Attorney General would perhaps favour them with some explanation on these points.

The ATTORNEY GENERAL said, he understood that the question to be decided by the hon. Member's verbal Amendment was whether they should introduce into the Bill a clause making adultery punishable by fine and imprisonment. If in any case they determined to impose on the adulterer the obligation of paying a fine, in his opinion it ought to be assessed by a jury—not by the Court; and the money should be applicable either to the relief of the husband, if he claimed it and the tribunal deemed him entitled to it, or as a provision for the children who had sustained irreparable loss in the cessation of maternal protection; or for the support of the wife herself. In the meantime, however, they had first to determine whether adultery should be punishable as a crime.

Lord JOHN MANNERS said, this was a most inconvenient form of raising such a question, and he would suggest that it would be more intelligible if the hon. Member for Hertfordshire were to take the sense of the Committee on another of his Amendments.

Mr. WIGRAM suggested that the Committee should at once decide whether they should insert such words as "order the adulterer to be punished by fine or imprisonment."

Mr. MALINS said, before they decided on the question "in" or "on," he would wish to know how the numerous body of hon. Gentlemen who would be sure to come in when the division bell rang were to be guided in arriving at a conclusion on that very nice point?

Sir GEORGE GREY recommended the hon. Gentleman not to raise his issue on the word "in."

Mr. PULLER said he would withdraw his Amendment.

Mr. BUTT said, his objection to the Amendment now before the House was, that the hon. and learned Gentleman was not raising the question whether adultery was a crime which ought to be punished by fine or imprisonment, but whether it ought to be punished by the operation of this particular clause. He (Mr. Butt) was satisfied that adultery ought to be punished by fine or imprisonment; but he should vote against the Amendment now before the Committee, because he could not allow the guilt of the party to be decided by such an anomalous tribunal as that contemplated by this clause. The hon. and learned Gentleman (the Attorney General) thought that the fine ought to be imposed by the jury; and he (Mr. Butt) considered that the adulterer ought to be made to pay the whole cost of the proceeding. He should, therefore, presently move to strike out the words giving power to the Court to impose a fine, and leave in those giving it power to impose on the adulterer the whole or any part of the costs.

Amendment, by leave, *withdrawn.*

Mr. BUTT said, in accordance with his promise he now rose to move the omission of the words empowering the Court to impose a fine upon the adulterer.

The ATTORNEY GENERAL said, he entirely agreed in the Amendment proposed by the hon. and learned Member for Youghal.

Amendment *agreed to;* Words struck out.

Lord JOHN MANNERS observed, that he trusted the Committee would bear in mind that the Amendment of the hon. and learned Member for Youghal (Mr. Butt) would be the first step towards restoring the condemned action for criminal conversation. If it were the intention of the Government to make that restoration it would be well that the Committee were at once acquainted with the fact. He begged to move that after the word "order" there be inserted the words "the adulterer be punished by fine or imprisonment, or fine and imprisonment."

Amendment proposed in p. 8, l. 23; after the word "order" to insert the words "That the adulterer be punished by fine and imprisonment, or fine or imprisonment."

Mr. BUTT said, he must again protest against the noble Lord raising in a most inconvenient form the question whether adultery was to be made a criminal offence. He (Mr. Butt) was not saying that it should not be made so; but he objected to a man being pronounced a criminal by such a tribunal as this without conviction by a jury. In an incidental proceeding—one mixed up with several other things—it would be very objectionable to give a Court the power of ordering fine and imprisonment.

Mr. WIGRAM said, that the main question the Committee had to consider was, whether a disgraceful offence, when proved, ought not to be visited with some punishment or the other. Pillory was unfortunately abolished, and whipping was out of fashion, and he saw no other means of punishing the offence except by the means proposed by the noble Lord. He could see no impropriety in the course of procedure, as the accused would have the benefit of a trial by jury. He should, therefore, support the clause.

Sir GEORGE GREY said, he fully concurred with the remarks of the hon. and learned Member for Youghal (Mr. Butt). If adultery was to be made a criminal offence it should be done by an alteration of the criminal law, so that the person charged might be proceeded against by indictment and tried by a jury. Let the criminal enjoy at least the same safeguards which every other person in this country enjoys when charged with a criminal offence. Having done that, power might then be given to the Court to direct a prosecution. The question was one of great importance and ought not to be hastily decided, because a variety of questions would arise in reference to it that would require serious consideration, and amongst others whether seduction should not be treated in the same manner. The question before the Committee was not whether adultery should be made a crime, but whether under this Bill the Court, without the intervention of a jury, and the ordinary process of a criminal court, should pass sentence on a man for an offence of which he had not been convicted according to the forms of our criminal law.

Sir WILLIAM HEATHCOTE said, he would quite admit that the subject was one full of difficulty. He thought, however, that the difficulties were incidental to the nature of the proceedings, for, put it as hon. Gentlemen would, there must be something criminal in these proceedings. This mixture of civil and *quasi* criminal procedure was not altogether unprecedented in the law; the two sometimes ran into each other, as in the case of the law of insolvency. He saw nothing unreasonable in proposing that the Court should not be obliged to confine the punishment to the weaker party, but that it should have the power of extending that punishment to the adulterer, who would otherwise escape scot free; and he should, therefore, support the Amendment.

Mr. PULLER said, he begged to offer a remark in reply to what had fallen from the right hon. Baronet (Sir George Grey). He quite agreed in the importance of not too hastily making this offence the subject of criminal jurisdiction. If this offence were called a crime, it would sometimes be in the power of a discharged servant to bring to public trial a case of the kind, no matter how long ago it had happened, or whether it had been condoned or not. There must in all cases be a compromise between public justice and private feelings. The offence should be made discreditable for the sake of public morals, yet there were cases in which it would be intolerable to drag to light the private affairs of individuals. But when safeguards were spoken of, it was desirable that the Committee should know what these safeguards really were. The right hon. Baronet had spoken of trials by jury and indictment; yet a trial by jury was provided by this Bill; and what was an indictment but a setting forth of the nature and particulars of the offence charged against the prisoner? Now this Bill provided that every petition was to set forth the circumstances as fully as the nature of the case would admit, and adultery must be proved—that was essential. Therefore they already had before them the only safeguards that had been mentioned. He thought, moreover, they should not hesitate to compromise in some degree their prejudice in favour of established customs, when the object in view was to punish a violation of public morals.

Mr. LYGON said, he would beg to remind the Committee that one of the principal objects of the Bill was to consolidate the jurisdiction of three separate Courts, and to substitute one inquiry for the three which at present must precede a divorce. That object, however, would be defeated if there must be a criminal trial as well as the inquiry before the Court.

Mr. BUTT observed, that it was an essential ingredient in the crime of adultery that the man should have knowledge of the fact that his partner in guilt was married. Now, what protection would a jury be, in the case of a man's ignorance of this fact? The only question the jury would have to try would be whether the act of adultery had been committed or not. This would reduce the Amendment, if not to an absurdity, at least to a nullity.

Mr. HENLEY said, that every step they took showed the difficulty of proceeding in the course recommended by his noble Friend (Lord J. Manners); for he (Mr. Henley) thought the mere accident that a man happened to have a suit brought against him for a divorce should not afford a reason why he was to be punished by fine or imprisonment for that which no party was liable to be punished for, except such suit had been instituted against him. If parties wished that adultery should be punished by fine or imprisonment they should raise the major proposition first—namely, that adultery was a crime, and that all parties who committed it should be punished for the offence whether a divorce were attached to the proceeding against them or not. The hon. and learned Gentleman (Mr. Puller) had spoken of the hardship of allowing a servant to commence a prosecution for matters which had been condoned; but did not that show that adultery was a private wrong? They must also recollect that by the law of England it was not competent for a private person to compound a private offence.

Lord JOHN MANNERS said, he did not think there was any force in the objection that a third party—say a discarded servant—might raise a case against offenders long after the adultery had been committed. The case could only be raised by the parties themselves. A person aggrieved would seek the remedy provided by the Bill, and then the penalty for the adultery would follow as a consequence. He saw no incongruity in this. Such at least was the case in France and other countries.

Mr. ADAMS said, he should vote against the Amendment of the noble Lord, because he did not think that the time or place to enact that adultery should be a crime. If the Committee were of opinion that it should be, the most consistent and best course would be to make a direct addition to our criminal law, and not interpolate a criminal proceeding in such a clause as that now before them. In saying this, he wished not to be understood as saying that adultery ought not to be dealt with as a criminal offence.

Question, "That those words be there inserted," put, and *negatived.*

Mr. M'MAHON said, he should now move that the clause be struck out altogether, as it was inconsistent with Clause 48, which enacted that the Court might order any costs it thought proper.

Mr. BUTT said, it was far better to leave the law clear as stated by the clause.

Clause *agreed to.*

Clause 32 (Custody of Children).

Lord LOVAINE said, that by the common law the father had always the guardianship of his children vested in him, except under circumstances where it was absolutely necessary to deprive him of it. But in order that the clause should not leave this point in doubt, he would move to add a proviso to that effect to the end of the clause.

Amendment proposed at the end of the clause to add the words:—

> "Provided always that the custody of the children shall be given to the parent promoting such suit or proceeding where the Court shall be of opinion that the conduct of such parent has been free from cruelty or criminality."

The ATTORNEY GENERAL said, the introduction of those words would be most inconvenient. Generally speaking, the Court of Chancery would give the custody of the children to the innocent parent; but there might be cases where the wife, being the innocent party, could not exercise the power of protecting the children. Consequently, if the proviso of the noble Lord were adopted, the Court would be bound by an inflexible rule, and then be deprived of the power of consulting the interests of the children.

Question, "that those words be there added," put, and *negatived.*

Mr. BUTT moved the insertion of the following words in the clause:—

> "And upon any petition for dissolution of a marriage it shall be lawful for the Court to make such interim orders for payment of money to the wife by way of alimony or otherwise, as it might do in a suit or proceeding for a judicial separation."

The ATTORNEY GENERAL promised to consider the point before bringing up the Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 33 (Questions of fact may be tried before the Court).

Mr. M'MAHON said, he rose to move an Amendment, the effect of which was to provide that in all cases, unless the Court shall otherwise order, the contested fact shall be tried in the county in which the alleged offence is committed.

Amendment proposed, at the end of the clause to add the words:—

> "Provided always, that unless the Court shall otherwise order, the contested facts shall be tried in the county where the adultery is alleged to have been committed."

Mr. ADAMS said, he thought that before the proviso would be applicable the clause itself should be altered. It had already been decided by the Committee that there should be other tribunals for granting judicial separations besides the one Court then proposed to be established; and it seemed to him that the clause as it now stood, as well as the proviso of the hon. Member, would apply only to proceedings as they were intended to be taken with only one Court in existence.

The ATTORNEY GENERAL said, that it was now too late to make any Amendment in the language of this Section, but when they came to discuss the clauses with respect to the local jurisdictions of which he had given notice, it would be open to the hon. and learned Member to introduce words which would attain the object that he had in view. The proviso moved by the hon. and learned Member for the county of Wexford (Mr. M'Mahon) he thought both unnecessary and objectionable. It was objectionable, because, while the questions of fact referred to in the clause might be with respect either to cruelty, desertion, or misconduct, as well as to adultery, the words of the proviso would limit them to the latter offence. It was unnecessary, because the 37th section of the Bill the Court would have power to direct one or more issues to be tried in a court of common law, and in the exercise of this power it would, unless there were good reason to the contrary, act in accordance with the usual practice of Courts having such powers—namely, have the issue tried where the offence or cause of action was alleged to have arisen.

Mr. M'MAHON said, he was satisfied with this explanation, and hoped that the Court would act upon it.

Question, That those words be there added, put, and *negatived.*

Clause *agreed to,* as were also Clauses 34 to 38 inclusive.

Clause 39 (Service of Petition).

The ATTORNEY GENERAL moved the insertion of certain words conferring upon the new Court the same power which was possessed by the Court of Chancery with regard to serving notices upon persons not within the jurisdiction.

Amendment *agreed to,* as was also the clause as amended.

Clause 40 (Examination of Petitioner).

Mr. M'MAHON said, that when a petitioner came into court, and was asked whether he himself had been guilty of adultery, it would be unfair to allow him to refuse to answer the question. He thought that this clause should be postponed until the Committee had decided whether adultery should or not be considered a misdemeanour.

Sir WILLIAM HEATHCOTE said, he should move the omission of the latter part of the clause; as in point of fact, the Bill did deal with adultery as a criminal matter.

Amendment proposed in p. 10, l. 16. To leave out all the words after the word "petition" to the end of the clause.

The ATTORNEY GENERAL said, the hon. Baronet had not present to his mind the circumstance that by the law of evidence established in this country, and under a very recent statute, an exception had always been made, and still existed, that in actions in which an issue touching adultery was raised the husband and wife should not be examined one against the other. The proviso had nothing to do with the ordinary rule adopted in the criminal law, that no man or woman should be compelled to criminate himself or herself; but it was framed with reference to the special law of evidence, which had always been deemed applicable to the case of the husband and wife.

Sir WILLIAM HEATHCOTE: But did not the clause introduce the petitioner to be examined, notwithstanding that law? He understood the Attorney General to say that the law of evidence, as settled by Parliament, prevented the husband or wife being examined in actions of civil procedure affecting the other. But this clause stepped in and said, that the petitioner should be examined; it was therefore, taken out of that rule. [The ATTORNEY GENERAL: With that qualification.] Precisely so; and if the husband or wife were introduced as a witness at all there seemed to be some absurdity in excluding from his or her evidence that particular answer which was most vital to the subject in reference to which he or she was examined.

MR. AYRTON said, that at present in matrimonial causes in the Ecclesiastical Courts the husband and wife were examined, but they were not called upon to answer upon oath as to the act of adultery. The present proviso, therefore, proceeded upon the same principle, as its only intention was to get rid of the documentary evidence upon which those Courts proceeded.

MR. BUTT said, that if the petitioner were allowed to be questioned as to his having committed adultery he would be put under the strongest possible temptation to commit perjury. He (Mr. Butt) thought it a wise principle of the law.

MR. M'MAHON said, the principle was settled by the Act of *Geo.* III., which rendered it obligatory to answer, even if penalties and forfeiture were in question, with the exception of criminal indictment.

MR. JOHN LOCKE said, that no person was bound to answer a question which might subject him to ecclesiastical censure, which would be the case if he were compelled to acknowledge that he had been guilty of adultery. The penalties and forfeitures referred to were the consequences of *qui tam* actions or indictments.

MR. M'MAHON said, that no legal penalty attached now-a-days to adultery, and therefore there were no grounds for a refusal to answer.

MR. HENLEY said, he wished to learn from the hon. and learned Attorney General whether, in his opinion, the clause went far enough. Let him suppose, for instance, that a man were to bring a petition against a woman upon the ground of adultery, and that she should plead as a counter charge that the husband had been guilty of bigamy, would the latter, he should like to know, be obliged under the operation of the clause to answer that question?

THE ATTORNEY GENERAL said, that the clause was intended simply to provide that when a husband or wife was a petitioner for a divorce *a vinculo* either party should be subject to be examined by the Court as to all those facts which it was the duty of the Court to ascertain for its own information before it could come to a decision in uncontested cases. In giving that power, however, it had been deemed advisable to place a guard upon its exercise by not conferring upon the Court authority to institute an inquisitorial examination into the fact of adultery. It did, however, express a general rule. With respect to the question of the right hon. Member for Oxfordshire (Mr. Henley) he need not only say that bigamy in the ordinary interpretation of that word would always be found to include adultery.

Question, That the words "but no such petitioner" stand part of the clause, put and *agreed to.*

Clause *agreed to;* as was also Clause 41.

Clause 42, Court, in any case in which it shall pronounce a Divorce for Adultery, to order such a settlement as it may think reasonable of any property in possession or reversion to which the wife may be entitled to be made for the benefit of the innocent party, or of the children of the dissolved marriage.

MR. BUTT moved that the words "for adultery" should be *struck out.*

THE ATTORNEY GENERAL said, he should not object to the omission of the words in question, but for an opposite reason to that assigned by the hon. and learned gentleman. The clause was intended only to apply to cases where the husband was an applicant, but as it was worded it gave rise to a doubt whether it was limited to cases where the husband applied for the dissolution of the marriage. He could imagine a case where the husband applied for a judicial separation, and it might be right in such a case that the property of the wife, or some portion of it, should be applied for the benefit of the husband and for the maintenance of the children.

Amendment *agreed to.*

Words *struck out.*

MR. MALINS moved that the words "judicial separation" should be inserted after the word divorce.

Amendment *agreed to.*

Words inserted.

MR. MALINS then proposed that the word "divorce" should be omitted.

Amendment *negatived* without a division.

Mr. MALINS moved the omission of the word "dissolve."

Mr. BUTT said, he thought the effect of the clause would be to preserve the settlement made on the wife even in the case of reconcilement subsequent to judicial separation.

The ATTORNEY GENERAL said, that there was no difficulty. The Court would only authorise such an arrangement of the property as would meet the case, whether of divorce or separation.

Amendment *negatived.*

Mr. HENLEY said, a serious question was involved in this clause. Suppose the case of a woman whose property was settled on herself to her own use; it seemed rather a violation of justice that her husband should be able to make an ill-used wife of her, and thereby obtain the use of a large portion of her property as guardian for their children, in the event of her being compelled by his bad treatment to sue for a separation or divorce.

Clause *agreed to.*

Clause 43 (Mode of taking evidence).

Mr. MALINS said, he should move to leave out the whole proviso. The affidavits on one side might contradict those of the other, and then recourse could be had to examining the witnesses *vivâ voce.* He was counsel lately in a case in which, after affidavits had been taken at a great expense, they were so contradictory that no less than six days were subsequently occupied in examining the witnesses *vivâ voce.*

The CHAIRMAN decided that the hon. and learned Gentleman could not move the omission of the proviso.

Mr. SOTHERON ESTCOURT said, he thought that the Court should have the discretion of compelling the witnesses to appear in court, and that it should not be left in the power of the opposite party.

The ATTORNEY GENERAL remarked that it was highly desirable that in these matters the witnesses should appear personally.

Mr. WIGRAM said, he thought there was nothing more pernicious to public morals than the publication of the proceedings in actions of criminal conversation and in cases of divorce before the House of Lords, and he would therefore ask the hon. and learned Attorney General to consider whether it might not be left in the power of the Court, with the consent of the parties, to order that the proceedings under this Bill should take place in private.

The ATTORNEY GENERAL said, there was a clause giving the Court such a discretion.

Mr. BUTT said, that as he believed this clause would entail great expense and occasion some confusion, he would recommend its omission. As he understood its operation the parties would be at liberty to verify their respective cases by affidavit, but either party would have the right of requiring that the deponents on the opposite side should be brought up from a considerable distance to London to be examined orally in court, and, after all, the question might be submitted to trial by a jury. It would be more advisable to leave it to the Court to regulate the procedure.

Mr. JOHN LOCKE said, he thought it advisable that the proviso should be omitted.

Mr. GLADSTONE said, the mode of proceeding proposed by the clause certainly appeared to be exceedingly complicated, and he was anxious to hear from his hon. and learned Friend whether the hon. and learned Gentleman was correct in his view of the effect of the clause.

The ATTORNEY GENERAL observed, that if the Court directed a trial by jury, the 45th clause provided that at such trial the rules of evidence acted upon by the Courts at Westminster Hall should be observed; but there might be many questions which need not necessarily go to a jury, and this clause provided that in such cases evidence might be taken by affidavit, the attendance of the deponents to be cross-examined orally in open court being only required on the demand of the opposite party. He thought the proviso was sufficiently guarded.

Mr. BUTT said, that the fact of the adultery would not be tried by a jury, unless either of the respondents demanded it; and they would have that power even after the petitioner had verified his case by affidavit, and been cross-examined in court.

Mr. GLADSTONE said, that according to the clause the parties might verify their respective cases in whole or in part by affidavit, but subject to cross-examination on the application of the opposite party, and in another part of the Bill there was a provision that contested matters might be referred, at the instance of either party, to be tried by a jury. What he wanted to know was whether both these processes could be applied under the Bill to the same matter?

The ATTORNEY GENERAL said,

that no one acquainted with the ordinary procedure in Courts of Justice could entertain any doubt on the point. The Court would inquire whether it was intended to have the matter tried by a jury, and, if so, would not then permit the deponent to be cross-examined in open court.

MR. BUTT observed, that he thought words should be inserted, declaring that a discretion was left to the Judge on this point.

Clause *agreed to;* as were also Clauses 44 to 47 inclusive.

Clause 48 (The Court may make such order as to costs as to the Court may seem just).

MR. M'MAHON said, he wished to propose a proviso, to the effect that where contested matters of fact were tried by a jury the costs should abide the event of the verdict, unless such verdict should be set aside by the Court. A man might be acquitted of adultery, but ruined by costs at the caprice of the Court.

THE ATTORNEY GENERAL remarked that he could not assent to the proviso. The question tried by the jury might be only one part of the contested matter, and that might be found in favour of one party, while another matter might be decided against him. It would, therefore, be wrong to make the costs go in one direction, while the real merits of the case might be in another.

Amendment *negatived.* Clause *agreed to.*

Clause 49 (Enforcement of Orders and Decrees).

LORD LOVAINE said, it would be necessary to alter the clause if a provision was to be brought up by the hon. and learned Attorney General constituting any Court of Assize or Sessions a Court for making decrees in any proceeding under the Bill; therefore, instead of the words "by the said Court," he proposed the words "by the Court before which any cause under the Act might be brought."

THE ATTORNEY GENERAL said, he thought, that, with a little alteration in the wording the Amendment might prove a very useful addition to the Bill; but it was an addition contingent upon the House hereafter adopting the principle of investing local Courts with jurisdiction under the Bill. The only difficulty he had in acceding to some Amendment of the sort now was that, should the House hereafter not adopt that principle, then there would be nothing to which the words could apply. He would, therefore, recommend the noble Lord to withdraw his Amendment for the present, upon the understanding that he quite assented to its principle.

Amendment by leave *withdrawn.* Clause *agreed to.*

Clause 50 (Power to make Rules and Orders for Procedure).

MR. WIGRAM said, he rose to move the insertion of words for the purpose of rendering more clear the authority of the Court to hear any proceedings under the Act in private. Cases occasionally occurred where the publication of the proceedings was productive of such injury to public morals that it was most advisable to empower the Court to hear them privately.

Amendment proposed, in page 12, line 20, After the word "expedient," to insert the words "including any rules and regulations for enabling the said Court to hear any proceedings under this Act in private.'

MR. MALINS said, he would submit that the words proposed were unnecessary, because the new Court, like the Court of Chancery, would possess an inherent jurisdiction to determine whether a case should be heard in public or in private. But though he admitted that there were occasional advantages in private hearings, very great disadvantages also attended them. Justice was never so well administered in private as it was in public, and therefore he should be reluctant to introduce any words into the Act which should give a legislative sanction to private hearings. Although there were great objections to the publication of the disgusting details which occasionally appeared in print, still it must be remembered that the liability to have these matters thus brought before the public served as a great check upon those who were inclined to conduct themselves improperly.

MR. WIGRAM said, he wished to point out that by the 43rd clause it was provided that all the evidence should be taken in open Court, so that unless specific words were inserted in the Bill it was quite plain that the proceedings must be in public. He agreed that public policy was in favour of trial in open court; but if the parties agreed he could see no objection to the power being given. He should not object to the provision being limited to the case of parties agreeing to such course.

LORD LOVAINE said, he should support the Amendment. It appeared to him that they could not secure the advantage which might be derived from the abolition of *crim. con.* actions if they did not provide that the proposed new Court should have the power to hear causes in private.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 23; Noes 131: Majority 108.

Mr. HENLEY said, it had been attempted to get into the four corners of this Bill the greatest curse of the Court of Chancery and the greatest curse of the Ecclesiastical Courts—that of the form of procedure. He trusted that the Court should be allowed to decide upon its own power of procedure, and he should move as an Amendment to strike out from the clause all the words which related to that subject.

Amendment proposed to omit from the clause all the words after the word "same" in the twenty-first line.

The ATTORNEY-GENERAL said, that the words in question had been added to the Bill at the suggestion of what might fairly be considered the right hon. Gentleman's own side of the House of Lords. He (the Attorney General) had no objection to make a sacrifice of those words.

Amendment *agreed to.* Words *struck out.* Clause, as amended, *ordered* to stand part of the Bill.

Clause 51, (Appeal from the Judge Ordinary to the full Court).

Mr. MALINS said, he thought a provision ought to be inserted in the clause, to the effect that the Judge who had first heard the case should not be a member of the Court to which the appeal from his own decision was made.

Mr. M'MAHON said, it appeared to him that the time within which the appeal might be brought ought to be extended beyond the proposed period of three months. An appeal could not be made from our most distant colonies within that time.

The ATTORNEY GENERAL said, he could not adopt either of the suggestions made by the hon. and learned Gentleman.

Clause *agreed to.*

Clause 52 (Appeal to the House of Lords in case of a Petition for Dissolution of Marriage).

Mr. WALPOLE said, that all these cases of divorce for adultery turned mainly upon questions of fact, and yet the clause proposed to confine the appeal to questions of law. The whole *status* of the woman was thus liable to be taken away without her having the opportunity, as a matter of right, to carry the case to a higher tribunal. The question to come before this Court included, besides the mere fact of adultery, the facts connected with connivance, recrimination, and other pleas in bar of the petition for a divorce. Moreover, a previous clause in the Bill enabled the Court to deprive a married woman of her property, though settled upon her for her separate use, and to dispose of it for the benefit of the husband or the children. Thus, in a question affecting not merely the personal *status*, but also the property of the wife, she would have no right of appeal, however much she might deem herself aggrieved. He would therefore move the omission of the words of limitation contained in the clause—namely, "but no such appeal to the House of Lords shall be had on any matter except on a question of law, to be stated in a case to be prepared by the party appealing, and approved by the said Court."

Mr. BOVILL said, upon matters of law there could scarcely be any appeal; and upon matters of fact appeals now formed a regular feature of our jurisprudence. Still appeals could not be allowed from decisions of a jury. Perhaps it would be best to shape the clause so as to allow of no appeals except upon questions decided by the Court.

The ATTORNEY GENERAL said, he entirely concurred in the Amendment of the right hon. Gentleman, who had anticipated him in the observations that he had just made. In conceding the right of appeal it was very difficult to draw the line between questions of law and questions of fact. The process of reasoning, by which conclusions as to the facts were arrived at was the most frequent source of error, and therefore questions of fact ought, above all others, to be submitted to appeal. The provision requiring the approval of the Court, from whom the appeal went up to be previously obtained, was also vicious in principle.

Amendment *agreed to;* words *struck out.* Clause as amended to stand part of the Bill.

Clause 53 (Liberty to parties to marry again.)

Mr. ROLT said, he now proposed to take the opinion of the Committee on the question, whether the guilty parties should have the right to re-marry. Upon the decision come to on this clause it depended whether the Bill should be known hereafter for good or for ill. Merely harmless the measure could not be. Potent it must be, either to elevate or to depress the sanctity of the marriage obligation. He could not agree that the principle of the Bill was merely to maintain the existing law, and to create a new Court for its administration. On the contrary, yielding to the principle affirmed by the House on the second reading, the true end and aim of the Bill might yet be taken to be to sustain and promote the sanctity of that obligation in the minds of the many, and, at the same time, to afford, as far as was consistent with that end, but no further, redress to the few, in whose case that sanctity had been violated. To enable the guilty parties to marry as freely as if the first union had been dissolved by death was incompatible with either of those objects. The result of so doing would be to give relief and encouragement to those by whom the sanctity of marriage had been outraged. It was idle to say that adultery was to be regarded only as a sin against the Divine law, and to be left for its redress to religious sanctions merely. They were clearly entitled, in legislation like the present, to deal with it as an offence against the law of the country. The right to remarry was treated by the Bill as a privilege and a boon, and adultery as an offence giving that privilege by way of redress to the injured party. But this clause as it now stands with monstrous inconsistency confers the privilege also upon the wrongdoer. Let the House apply the clause to those cases in which, from defects of temper and other causes not criminal, mutual unhappiness had followed marriage. At present there was no remedy except in mutual sacrifices of temper. But this clause, taken with the rest of the Bill, would teach these persons that if one of them would add to their defects of temper the guilt of adultery, it would be open to the innocent party to apply for a divorce, and when it was obtained they would both be relieved from their unhappiness and might marry again. The commission of the offence of adultery certainly did not give the adulterer the right of divorce, but the guilty party would calculate upon the other obtaining a divorce, and then they were on an equal footing. The result would be that the Bill by giving the right of remarriage to both parties would hold out a reward and an inducement to the guilt of adultery. It might be said that you could scarcely adopt any legislation which would be free from anomalies. No doubt that was true; but let them not carry anomalies further than was necessary. It was also said that considerations of justice, morality, policy, and expediency required that the right of remarriage should be given to those who had committed adultery. He took issue upon this assertion. If the punishment of the offender were necessary to prevent the spreading of the offence, then no consideration of expediency could be alleged against his punishment. When the Committee remembered that our whole social system was built up on the maintenance of the marriage contract, and when they considered how few incurred the guilt and how many were tainted by the consequences, they would agree with him, he hoped, in denying that any considerations of justice, morality, or policy could be alleged in defence of such a clause. The justice to be thought of was justice to the public. The morality to be regarded was the morality of the thousands and millions who might be tainted with the guilt of the few, and not especially or exclusively the morality of those whose conduct rendered legislation necessary. He contended that Parliament ought to protect the many, and not sacrifice them to the few who fell into crime. Far be it from him to arrogate to himself any peculiar sanctity or morality, or to show himself deficient in pity or sympathy for the weaknesses of our nature; but he thought that if men erred they should bear the consequences as they might, and reconcile themselves to their God as they could. Parliament, at least, must leave the consequences of guilt upon the wrongdoer. If they examined the law of other countries they would find that it had never yet been positively enacted in the written law of any country that divorce should be granted by reason of adultery, and that the adulterer should be at liberty to marry again. These results might have been unwittingly the consequence of legislation, but to pass such an enactment was unheard of. Mr. Macqueen's abridgment of the codes of other countries referred to France, Sweden, and Scotland. In France the law distinctly prohibited the adulterer from marrying the woman with whom he had committed adultery. The hon. and learned Member for Cambridge (Mr. Wigram) proposed this exact remedy, and he should be glad if that hon. and learned Member's Amendment were adopted, and his own proposition which went further be rejected. In Scotland the law was the same as in France. In Sweden the law forbade the adulterer to marry at all, except with the consent of the spouse and the King. What had been our own law? It had been said that the result of our special legislation had practically been to allow the adulterer or adultress upon divorce to marry again. It should be recollected, however, that they were trying an experiment, for this clause introduced to the mass of the people for the first time the proposition that the party against whom a divorce was obtained for adultery was to be at liberty to marry again. The special Acts of Parliament that had hitherto been passed had all, without exception, referred to cases drawn from a small portion of the community. The middle and lower classes had hitherto supplied no instances of such legislation. The Legislature had been lulled to sleep by the bringing forward of isolated cases from time to time, and they all knew the influences that had been brought to bear in many individual instances. If they established local tribunals and if within a year it became known through the length and breadth of the land that persons dissatisfied with one another, though perhaps not having fixed their affections elsewhere, might both be at liberty to marry again, upon either party committing adultery, the result must be to sap and weaken the notions of conjugal fidelity to an extent which could not be calculated, but which, judging from experience of human nature, would certainly be very large. In a debate in the House of Lords, Lord Erskine said that thirty years' practice at the bar convinced him that the inter-marriage of offenders tended to the commission of the offence. In 1809, in a debate upon a Standing Order, the Bishop of Durham and the Bishop of Rochester gave the same evidence. If they were about to leave the lessons of experience and enter the field of experiment and speculation, those who advocated the clause were bound at least to demonstrate to a certainty that the change would not be open to the objections which he had stated. In private divorce Acts care was taken to enact that the innocent party should be at liberty to marry again, but they had never yet dared to say that the guilty party should be at liberty to marry again. It might be that the law enabled the guilty party to marry again, but Parliament had never given its solemn sanction to such a proposition by a declaration to that effect. Though attempts to prohibit such marriages had failed, yet when they were called upon to pass a law which was to extend over the whole community there was no reason why the subject should not be reviewed and that course taken which would best maintain the sanctity of the conjugal relation. He would now call attention to the various modes in which the clause might be altered, and to the several propositions before the House on this subject. He should hereafter move absolutely to prohibit the party against whom the divorce was obtained from marrying again during the life of the person obtaining the divorce. The hon. and learned Member for the University of Cambridge (Mr. Wigram) had given notice of an Amendment to prevent the guilty parties intermarrying. His right hon. and learned Friend the Member for the University of Dublin (Mr. Napier) had given notice of another Amendment to leave the law exactly as it was in private divorce Acts; but this could not be conveniently moved after his own Amendment had been submitted to the Committee. He would, therefore, first submit the Amendment of the right hon. Member (who was unfortunately absent) by moving to omit the words "the respective parties thereto," and insert "the party on whose petition the marriage shall have been dissolved."

Amendment proposed, in line 15, to leave out the words "the respective parties, and insert the words "the party on whose Petition the marriage shall have been dissolved."

SIR GEORGE GREY said, the hon. and learned Member intended to follow up the Amendment of the right hon. Member for the University of Dublin, (Mr. Napier) which he had now moved, by the Amendment of which he had himself given notice. The Motion of the hon. and learned Member for the University of Cambridge (Mr. Wygram) to prevent the remarriage of the guilty parties, raised a distinct question. What he should deal with now was the substantial proposition of the hon. and learned Member for West Gloucestershire, (Mr. Rolt) that the guilty person should ever after be debarred from remarriage. It was altogether a new principle to establish a kind of penal celibacy.

MR. ROLT said, he wished to explain that he would have moved his own proposition first if the rules of the House would not then have prevented the consideration of the Motion of the right hon. Gentleman the Member for the University of Dublin.

Sir GEORGE GREY said, the Amendment of the right hon. Gentleman would leave the law in precisely the same state as if the clause were not altered. It was admitted that in ordinary divorce Acts, though permission only was given to the innocent party, there was no prohibition of the marriage of the guilty party, and such marriages were valid in law. It was therefore a mere matter of form whether they adopted the Amendment or left the Bill as it now stood. The Amendment of the hon. and learned Gentleman was tantamount to a sentence of penal celibacy. Let them take the case of a woman who had been guilty of a breach of the marriage vow. Was that woman, if divorced, never to have an opportunity of reformation or repentance? Her husband having married again, the band of matrimony being entirely dissolved, she being in the eye of the law a single woman, was she to be condemned to a life of what the hon. and learned Gentleman had himself called degraded celibacy? He hoped that such a proposition would not meet with the approval of the Committee.

Mr. SOTHERON ESTCOURT said, he would confine himself to the Motion which stood first—namely, that of which the right hon. and learned Gentleman (Mr. Napier) had given notice. The advantage of adopting that Motion would be, that by so doing they would really be keeping the law as it at present stood. Now that, he thought, was the great principle of the Bill. Suppose that a woman had violated her marriage vow, and that a divorce ensued, what was likely to be the feeling of the great mass of her neighbours on the subject? She would, no doubt, be exposed for a little time to their just indignation; but he maintained that the general feeling of the neighbours would be that it was a great pity the man should not be enabled to offer to the woman the only reparation which he had then in his power to render. They would be acting wrongly if they attempted to make this Bill a reflection of the Divine law. No doubt it became them to bear that law in their consciences; but they must remember that they were then exercising their legislative functions with regard to a civil right. On the one hand, they ought not to give to guilty parties a right to claim religious sanctions to a second marriage; but, on the other, it did not become them to take away from a guilty woman a *locus penitentiœ.* He thought it most desirable that the Bill should be made to correspond as far as possible with the existing law, and this object would be in a great measure gained by adopting the Amendment of the right hon. and learned Gentleman (Mr. Napier.)

Mr. BERESFORD HOPE observed, that he did not understand the hon. and learned Member for West Gloucestershire to wish to reduce the guilty party to compulsory celibacy through life. What he believed the hon. and learned Gentleman meant to say was, that the adultress should be compelled to remain single during the life of her former husband.

Mr. GRIFFITHS said, he thought that if they prevented the intermarriage of the guilty parties, so far from promoting morality, they would simply encourage seduction, by freeing the seducer from the obligation which society imposed upon him of compensating by marriage the woman whom he had wronged.

Question put, "That the words the respective parties, stand part of the clause."

The Committee *divided:*—Ayes 110; Noes 50: Majority 60.

Mr. ROLT said, as the Amendment of which he had given notice had been virtually negatived by the division just taken, he did not feel justified in pressing it upon the Committee.

Mr. GLADSTONE said, he had an Amendment to propose which would require him to make a statement of some length. He should therefore desire not to commence it at that late hour) half-past twelve.)

Viscount PALMERSTON observed, that the objection of the right hon. Gentleman was reasonable, and he would therefore consent that the Chairman should report progress.

The House resumed.

Committee report progress; to sit again *To-morrow* at Twelve o'clock.

TRUSTEES RELIEF BILL.

COMMITTEE DEFERRED.

Order for Committee read.

The ATTORNEY GENERAL said, he had assented to the second reading of this Bill believing that its professed object —to relieve innocent trustees from the liability of acts into which they had been led by misapprehension—was one worthy of being considered. He, however, found that the details of the Bill were so inconsistent, so obscure, and so inadequate for the object contemplated, that it would be useless to go into Committee unless they were prepared to spend at least three days in reducing it to a practicable shape. He would undertake next Session to introduce a measure which should be better adapted to the end sought, and he therefore hoped the right hon. Gentleman (Mr. Walpole) would not press the one now before the House.

Mr. WALPOLE said, that as the Bill had received considerable alteration in the other House, and at the hands of those who were perfectly acquainted with the subject, he might well be permitted to demur to the description given by the hon. and learned Gentleman of its details. At the same time, as the hon. and learned Gentleman engaged to introduce a more complete measure next Session of Parliament, and although he scarcely believed the discussion of the Bill in Committee would occupy the time stated by the hon. and learned Gentleman, he should consent to its withdrawal.

Committee *deferred* till this day fortnight.

CROWDED DWELLINGS PREVENTION BILL.—COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. RIDLEY said, he felt obliged to oppose this Bill as being against the fundamental principles of liberty in this country. He thought that it trenched on the principle that private dwellings ought not to be interfered with, except on very grave causes. The Bill itself was most imperfect, and the second clause could be understood by no one, nor could it be referred to common lodging-houses. There was no machinery for carrying out the Bill, and he thought that it ought not to be proceeded with at so late a period of the Session. Unless the right hon. Gentleman (Mr. Cowper) would consent to its being withdrawn, he should move that the House go into Committee upon it that day three months.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof:

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HENLEY said, he also should oppose the measure as being one of a most imperfect character. The 2nd clause might be read by itself for a week, and magistrates could not make anything of it; but if they read it in connection with the preamble, it gave the police power to enter the house of any poor man. Why should the police have power to enter a poor man's house more than that of a rich one? The Bill also gave power in the 3rd clause to enable the London police to act for the whole kingdom in the most objectionable manner, for it empowered them to set in motion the local authorities, when it must be remembered the Nuisances Removal Act expressly provided against such interference by the London police. It had been said that it was to be confined to common lodging-houses, but in point of fact the preamble extended it to all the dwellings of the poor.

Mr. KINNAIRD said, he hoped the right hon. Gentleman would not listen to the arguments urged against proceeding with the Bill, for whenever they had any measure of public advantage brought forward, they found hon. Members oppose it upon the old hackneyed political ground—a regard for the liberty of the subject. If London were polled, the vote of every poor man would be given in favour of it. The state of the lodging-houses in London was terrible. Not long ago he went with one of the police to visit some of these lodging-houses, when he was surrounded by persons who begged that the provisions of the existing Act might be extended to houses which did not now come within their operation. There were many places which, though not technically, were practically lodging-houses, in which several families were crowded together. In one tenement he saw thirty or forty miserable Chinese so crowded together as to breed all kinds of filth and abomination. The crowding of 3,000,000 of persons into a single city was a highly artificial arrangement, and it required some special enactments like those now proposed to get for the poor some measure of air, water, and other matters required for healthful and convenient living.

Sir WILLIAM JOLLIFFE said, he felt bound to give this Bill his most decided opposition. Instead of being a beneficial and popular Act, it would render the Nuisances' Removal Act a most unpopular one. If they passed this Bill they would be taking the same course as they did upon the Beer Bill last year, and they would be obliged to amend it by a measure next year. The definition of relationship in the Bill was most absurd.

Mr. COWPER said, that he was not responsible for the framing of this Bill, but he should not be doing justice to those who introduced it into the House of Lords if he were now to withdraw it. If they went into Committee he could show that the measure was not open to the objections which had been raised to it. The 2nd clause did not, as had been alleged, apply to private dwellings, but only to lodging-houses or parts of dwelling-houses. In the 3rd clause it would be desirable to introduce words limiting the authority of the Police Commissioners to their own district.

Mr. JOHN LOCKE said, he would beg to remind hon. Members representing places north of the Tweed that the Bill did not apply to Scotland. Speaking as a Metropolitan Member, he maintained that this Bill was a step in the wrong direction; and that it interfered injuriously with the freedom of the poor in the management of their own dwellings. The poor were not more anxious than the rich to live in overcrowded dwellings, but they were compelled to do so by the improvements, which, while constructing large and fine streets for the rich, had driven the poor to reside in districts which consequently became overcrowded. He did not think that it was just to drive the poor out of their present dwellings until they had pointed out were they were to go to, and had provided other dwellings for them.

Viscount PALMERSTON said, that the House did not appear clearly to understand the nature or the principle of the Bill. Hon. gentlemen got up and said that the Bill proposed an interference with the dwellings of the poor, but the fact was that it was not with the dwellings of the poor that the Bill proposed to deal. The fact was, that the unfortunate wretches for whose welfare the Bill provided did not live in their own houses. A number of capitalists had built tenements which were occupied by the poor as lodging-houses, and from a sordid love of gain they kept the inmates of those tenements in a state of misery, of dirt, and disease. The main object of the Bill was to compel these monopolist builders to provide the means of common decency and cleanliness, in which he believed, so far from being damaged, they would ultimately find their account. The Bill might require amendment, or it might not; but that was a question to be settled in Committee. He trusted, therefore, that the House would not be lead away by misrepresentations, and retard the progress of a measure which would be productive of great benefit to the labouring classes.

Colonel SYKES said, he would not at that late hour trespass long upon the attention of the House, but there were certain facts with which he thought hon. Members ought to be made acquainted. The condition of the lodging-houses did not regard the poor alone, but being, as they were at present, *nuclei* of disease and pestilence, they affected the whole community. A Report which had been drawn up for the Statistical Society of London, and part of which had been prepared from his own personal experience, disclosed a state of things with regard to the condition of the poorer classes almost incredible. He would not trouble the House by quoting many passages from that Report, but there were one or two which he thought that it would be advisable to refer to, and he would confine himself to London. There were, however, many cases mentioned in that Report illustrating the deplorable condition of the working classes, with regard to lodging accommodation in the manufacturing districts. It appeared, from the Report, and he could confirm it from personal observation, that in Church Lane, St. Giles', in London, the population examined was 463, the number of families 100, and the number of bedsteads amongst them ninety, the average being above five souls to a bed, and many rooms were inhabited by as many as twenty-two souls, without water, or drainage, or privies, while in one of the rooms containing twenty-two souls there was a dead body. The condition, in fact, of those people was so revolting that the committee of the Statistical Society of London concluded a Report, which they were called upon to make as follows:—

"Your Committee have thus given a picture in detail of human wretchedness, filth, and brutal degradation, the chief features of which are a disgrace to a civilized country, and which your Committee have reason to fear, from letters that have appeared in the public journals, is but the type of the miserable condition of masses of the community, whether located in the small, ill-ventilated rooms of manufacturing towns, or in many of the cottages of the agricultural peasantry. In these wretched dwellings all ages and both sexes, fathers and daughters, mothers and sons, grown-up brothers and sisters, stranger adult males and females, and swarms of children, the sick, the dying and the dead, are herded together with a proximity and a mutual pressure which brutes would resist; where it is physically impossible to preserve the ordinary decencies of life; where all sense of propriety and self-respect must be lost, to be replaced only by a recklessness of demeanour which necessarily results from vitiated minds; and yet with many of the young, brought up in such hotbeds of mental pestilence, the hopeless, but benevolent attempt is making to implant, by means of general education, the seeds of religion, virtue, truth, order, industry and cleanliness; but which seeds, to fructify advantageously, need, it is to be feared, a soil far less rank than can be found in these wretched abodes. Tender minds, once vitiated, present almost insuperable difficulties to reformation; bad habits and depraved feelings gather with the growth and strengthen with the strength."

The hon. and learned Member for Southwark (Mr. John Locke) had talked about erecting buildings for the accommodation of the labouring classes. This was the ultimate object of the proposed Bill; and some benevolent individuals had already made a commencement in the erection of a building in Old Pancras, in which there was accommodation for nearly 100 families, and so well arranged were the sanitary measures of that establishment, that during the cholera not a single case of that disease appeared within its walls, although it was prevalent in the immediate neighbourhood. For his own part, he thought that the Bill was one which would, to a great extent, remedy a serious evil, and he would, therefore, feel it his duty to support it.

Mr. AYRTON said, that the report of the Police Commissioners, on which this Bill was founded, expressly claimed for the police the right to interfere with every poor man's residence. If it did not mean that, it meant nothing, for common lodging-houses were already dealt with by the existing Act. That, however, was a claim to which he could not assent, and he hoped, therefore, that the House would not assent to this measure.

Mr. P. O'BRIEN said, in spite of what had fallen from the hon. and learned Member for Southwark, he would maintain it to be his right as an Irish Member to take part in the discussion of a measure by the operation of which a large number of the poorer classes of his fellow countrymen would be affected. He should give his hearty support to the Bill.

Mr. COX said, that if the Bill had been introduced here, instead of in the other House, a perfect storm would have been raised against it. The Bill handed over the Metropolis bodily to the police. It gave them the power to break into any house with which they might choose to interfere,

Mr. BERESFORD HOPE said, the discussion with regard to the Bill, had as yet been mainly directed to the question of its operation within the Metropolis. He should support it on the ground that it was required, no less for the rural districts than for the towns. The evils of crowded dwellings prevailed equally in both, and in each case required a legislative remedy.

Sir JOHN TRELAWNY moved the adjournment of the House.

Viscount PALMERSTON expressed a hope that the hon. Member would not persevere in his Motion, but would permit decision to be taken at once upon the principle of the Bill.

Sir JOHN TRELAWNY said, there were several hon. Members who wished to take part in the discussion, and he himself was one of them; but then he did not wish to enter into the subject at that late hour of the night (half-past one o'clock). Well, as the House wished him to proceed, he would state that the Bill appeared to him to be framed in complete ignorance of the principles of political economy; for, notwithstanding what had fallen from the noble Lord at the head of the Government with reference to its operation with respect to capitalists, he could not help thinking that the practical result of the measure would be to turn the poor out of their houses, and to compel them to seek refuge in the arches of the Adelphi or some such wretched locality. Again, in the rural districts, the poor were driven into all kinds of hovels, because many of them were unable to pay as much as £2 10*s.* or £3 a year for better accommodation. He contended the House would not afford an effective remedy for the evils the poor suffered in those respects by emasculated legislation like that which the Bill under consideration sought to effect.

Lord ADOLPHUS VANE-TEMPEST said, he would remind the House that this was a question which affected the whole of the country and not the Metropolis alone, He did not feel himself justified in supporting a Bill which was most obscure in its general character, and the provisions of which, where they were defined, were most despotic. He added that he should have thought, at first sight, the measure had emanated from the Tuileries; but there, he admitted, the comparison ended; for whenever that great man, the Emperor of the French, saw an evil, he always sought to apply a remedy, which this Bill did not do. He should therefore oppose the Motion for going into Committee.

Mr. BONHAM-CARTER said, he also should oppose the Motion for going into

Committee as he thought the Bill was a piece of prying, meddlesome legislation, and that under the pretext of remedying a difficulty which had occurred in the Metropolis, an attempt was made to apply its provisions to the country at large, whence no suggestion had ever come that such a measure was wanted.

Motion, by leave, *withdrawn.*

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 44; Noes 23: Majority 21.

Question again proposed, "That Mr. Speaker do now leave the Chair."

Lord ADOLPHUS VANE-TEMPEST objected to going into Committee at that hour (ten minutes to two o'clock), and moved the adjournment of the debate.

Mr. COWPER said, he would have no objection to report progress if hon. Members would consent to go into Committee.

Mr. COX said, he trusted the House would not go into Committee at that hour.

Mr. HENLEY said, that he would express a hope that the Bill would be extended to Scotland. He thought also that if it were applied to workhouses they would find people sleeping much more than three in a bed.

Viscount PALMERSTON said, that after the House had divided it was unreasonable to oppose going into Committee. All that was required was to bring the Bill to that stage of progress.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to:* Bill *considered* in Committee.

House resumed; Committee report progress; to sit again *To-morrow.*

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS.

Tuesday, August 18, 1857.

Minutes.] 1ª Customs and Excise; Customs.
2ª Pimlico Improvements; Dunbar Harbour Loan; Metropolitan Police Stations; Consolidated Fund (Appropriation); Militia Pay; Revising Barristers (Dublin); Probates and Letters of Administrations (Ireland); Mutiny, (East India); Joint Stock Companies Act (1856) Amendment; Parochial Schoolmasters (Scotland) (No. 2)

TRUSTEES' RELIEF BILL.

OBSERVATIONS.

Lord ST. LEONARDS said, it would be in the recollection of the House that when the Government announced their intention to bring in a Bill to punish fraudulent trustees he suggested to his noble and learned Friend on the woolsack that the measure ought to be accompanied by another for the purpose of affording relief to trustees, who would otherwise be visited with very considerable damages, although they had acted honestly, and without the slightest benefit to themselves, in the execution of their trusts. He thought it was the duty of the Government to undertake a measure of that nature in connection with one the object of which was to inflict punishment on fraudulent trustees. But when he made that suggestion to his noble and learned Friend on the woolsack, his noble and learned Friend said it was impracticable. He (Lord St. Leonards) stated in answer that the suggestion was attended with difficulty, but that he did not admit it was impracticable; and he added that if the Government did not do what he thought they ought to do in this matter, he himself would endeavour to frame a measure which he hoped would meet the exigencies of the case. He did accordingly frame such a measure with great pains and care, and with the assistance of competent persons, and that measure lay on the table for many weeks for the express purpose that it might be fully investigated:—and he believed that public opinion had pronounced in favour of the measure. The Bill afterwards passed through Committee, and, having been read a third time, was sent down to the House of Commons, where it was read a second time, and then last night it was proposed in that House to put it into Committee. On that occasion, however, the learned organ of the Government in the House of Commons stated that the measure was so inaccurate and obscure, and so inadequate for the purpose for which it was intended, that it would require at least three days to make it right. That learned person then added, with the confidence which belonged to him, and by which he was led to imagine that he could make that clear which was obscure, substitute light for darkness, and make that adequate which was inadequate, that he himself would undertake to introduce a suitable measure on the subject in the next Session of Parliament. He certainly was astonished to learn that that learned person had spoken in those terms of a measure which had been prepared with such great care and deliberation, and which had passed through their Lordships'

House without any great objection, and would venture to suggest that it was not open to the observations of the hon. and learned Gentleman. That measure, however, was now before the public and the profession, and they would form their own opinion of it. In framing that measure he had but one object in view, namely, to relieve trustees from the danger which now surrounded them in the execution of their trusts, and he now gave notice that early in the next Session he should re-introduce the Bill in question.

THE LORD CHANCELLOR said, he thought his noble and learned Friend must have misunderstood him when he stated that he (the Lord Chancellor) had said a measure of the kind suggested by him was impracticable. What he said was, that he thought it impracticable to leave the duties of trustees such as they were and to relieve them by saying that, though they had committed breaches of trust, they should not be responsible. Certainly he did not go with his noble and learned Friend in thinking that the introduction of this Bill was necessary to the effective working of the Fraudulent Trustees Bill. As to what had passed in the other House of Parliament, he must say, the time was when even to allude to any measure in progress in that House was an infringement of their Lordships' rules, and he thought for his noble and learned Friend to sanction with his weight and station in their Lordships' House the practice of raising discussions upon reports of debates in the other House, that had appeared in the public prints, was most inconvenient. Whether what his hon. and learned Friend the Attorney General had stated in the other House on the occasion in question was accurately or inaccurately reported he would not stop to inquire, for their Lordships' House was not the proper place to discuss the matter. He could only say that in the next Session he would be ready to give his most anxious attention to any Bill which the noble and learned Lord might introduce on the subject.

THE DIVORCE AND MATRIMONIAL CAUSES BILL.

OBSERVATIONS.

LORD ST. LEONARDS wished to ask what course the Government proposed to take with regard to the Divorce Bill. He understood that Parliament was to be prorogued on Saturday and the Divorce Bill was not likely to come up to their Lordships before Friday. He thought they would neglect their duty if they did not most carefully consider the effect of the alterations which had been made in the Bill by the other House, and he doubted whether the arrangement which, he understood, was proposed by the Government would afford sufficient time to their Lordships for duly considering the Amendments introduced in the House of Commons.

EARL GRANVILLE said, that, as the noble and learned Lord had not given notice of his question, he was not able to give him a decided answer. He (Earl Granville) was not aware whether Parliament would be prorogued on Saturday or not, and he was unable to state when the Divorce Bill might be expected to come up from the House of Commons. He did not think, however, when that Bill was sent up to their Lordships that the consideration of the Amendments made in the other House would occupy any long time.

LORD CAMPBELL earnestly hoped that, however the Session might be protracted, it would not be closed until full time had been afforded to their Lordships for considering the Amendments made in the Divorce Bill by the other House of Parliament, and expressing their assent to or dissent from those Amendments. He would regard it as a national calamity if a prorogation took place without that Bill becoming, in some shape or other, the law of the land. The measure had received most careful consideration in their Lordships' House; it had occupied the attention of the other House of Parliament for many days and nights; and he believed it was not probable that at any future time the two Houses would arrive at a more satisfactory conclusion upon this question than during the remainder of the present Session.

LORD REDESDALE concurred in the opinion expressed by the noble and learned Lord, and thought it would be utterly impossible in the time which would intervene before the proposed termination of the Session that their Lordships could properly consider the alterations in the Divorce Bill, which would come down from the other House almost a new measure. The changes which had been made in that Bill were of the utmost importance, and in his opinion such a measure, which deeply affected the interests of every home in this kingdom, could not be properly considered by so thin an attendance of Peers as there would be when the Bill came back from the other House.

Earl GRANVILLE said, the Government would certainly not adopt the implied suggestion of the noble Lord, that the Bill should be postponed to the ensuing Session. He understood that the discussion of the measure had been conducted with the utmost temper and friendliness in the other House that morning, and he could only express his hope that a similar spirit would be manifested by their Lordships when the Bill again came before them.

PROBATES AND LETTERS OF ADMINISTRATION BILL.

COMMONS' AMENDMENTS CONSIDERED.

Commons' Amendments *considered* (according to Order).

The LORD CHANCELLOR said, it would be necessary for him to state to their Lordships very briefly the nature of the Amendments which had been made in this Bill in the other House. The principle of the Bill, as it passed their Lordships, was that all ecclesiastical jurisdiction with respect to the matters to which it related should terminate, and it was proposed that a Queen's Court of Probate should be established in London, the Judge of such Court being appointed by the Crown. The Bill proposed that that Court should deal with all contentious cases as to the probates of wills, and that from thirty to forty courts should be established in various districts throughout the country, in which wills relating to property below the amount of £1,500, as to which there was no contest, might be proved. It was also proposed that the proctors of the court in London should continue to possess the exclusive right of practising with regard to non-contentious business; but that the general body of solicitors and barristers should be admitted to practise, so far as contentious business was concerned, concurrently with proctors and advocates. The main features of the Bill had not been changed in the House of Commons, but the material alterations made in that House were that the provision confining the jurisdiction of the District Courts to non-contentious cases, in which property below the value of £1,500 was involved, had been altered in such a manner as to give these courts jurisdiction in all cases, whatever might be the amount of property, provided there was no contest as to the validity of the will and the testator died within the district. That was a change as to the propriety of which there might be considerable difference of opinion; but the arrangement he proposed, as well as that adopted by the House of Commons, were both attended with advantages and disadvantages. The Bill, as he introduced it, provided, in conformity with the Report of the Commissioners, that the non-contentious business in the London Court should be transacted exclusively through the agency of proctors. The House of Commons, however, had not assented to that proposal, but had determined that the exclusive privileges of proctors should be abolished, and that all solicitors and attorneys should be admitted to a share of the business. He did not think he would act wisely in proposing the rejection of that Amendment. The House of Commons also adopted a money Resolution which, he confessed, he was unable in principle to approve. The Commons decided that all those gentlemen who were deprived of their monopoly in the practice should, on that account, receive a large compensation. It would be idle now to discuss that question; but he had at several stages of the Bill expressed his opinion that the diminution of practice was not a legitimate ground for compensation. However, those who were the guardians of the public purse thought differently, and had provided compensation equivalent to one-half of what those gentlemen before made by their practice, to share in which hundreds of other practitioners were now to be admitted. These were the main changes made by the House of Commons; but a number of minor alterations had also been effected. In the first place an alteration had been made, which he thought a useful improvement, in regard to the appeal from the decision of the County Court Judges. It had been decided by the Commons that the appeal should be to the Court of Probate itself, and he should ask their Lordships to add to that change, in mercy to the parties themselves, that on such appeal the decision of the Court of Probate should be final, and that the parties should not be allowed to carry it further. With respect to the procedure of the Court, it was thought in the other House that the clause empowering the Lord Chancellor, with the Lord Chief Justice, to frame rules was so worded that it might be left *ad Græcas Kalendas* before the rules were framed, and the clause was now altered so as to require that the framing of the rules should be concurrent with the coming into existence of the new Court. To that change he thought that none of their Lordships would object. With respect to one cause of proceedure, on which a difference of opinion prevailed in their Lordships' House, a change had been made, adverse to what he had thought, and perhaps still thought, a better arrangement, by allowing the Judge of the Court of Probate, when questions of fact were to be tried by a jury, a discretion to try them before himself, or to send them to be tried by another Court. In their Lordships' House it was proposed that the first Judge of the Probate Court should be the present Judge of the Prerogative Court. An alteration had been made in that provision, but he thought it immaterial, for he understood that nothing would have induced that very learned and excellent person to accept the office; but inasmuch as he was not entitled to compensation as Judge of the Prerogative Court, the Commons had introduced words into the Bill, giving him compensation in respect to his office. It was quite obvious that the adoption of these Amendments was essential to the passing of the Bill, and, therefore, whether they were all precisely such as their Lordships would wish them to be, the question was whether the Bill, in its present form, was a great improvement or not on the present system. If their Lordships thought it was an improvement, he trusted that they would feel no difficulty in agreeing to the Amendments, and he, therefore moved that, with some verbal alterations, their Lordships should substantially agree to the Amendments of the Commons.

LORD WYNFORD expressed his opposition to the Amendment extending the jurisdiction of the District Courts, which had been declared by a learned Gentleman in the House of Commons ["Order!"] as being most destructive and most dangerous to the security of property. Indeed, the learned Gentleman had almost threatened that if the Amendment were persisted in he would be obliged to withdraw the Bill. The learned Gentleman (the Attorney General) had used the strongest language in opposing the extension of this unlimited jurisdiction to the District Courts, stating that he did not think it possible for him to recommend the Government to accede to the clause as it now stood, apprehending, as he did, that if it were left in its present state the Bill might be converted into a great instrument of fraud. After the enunciation of such opinions by the chief law officer of the Government in another place, did the noble and learned Lord, remembering, too, his own declaration on the subject, intend to adopt the Amendment in question? If so, he (Lord Wynford) hoped their Lordships would refuse their assent to it; and even though it should be his lot to go out alone he should certainly divide the House on the subject. He objected in the strongest manner to the Amendments in the 70th clause, which related to the indemnification of the Bank of England in transferring stock. Who, he asked, was to indemnify the Bank in case of the administrators suffering in consequence? and what protection would be given in case of forged wills? The noble Lord concluded by moving that their Lordships disagree with the Commons' Amendments in the 40th and 70th clauses.

LORD ST. LEONARDS said, that he agreed with the noble Lord in not approving of all the Amendments made in the other House, but at the same time he thought they were accompanied by such guards and precautionary provisions as would prevent any mischief resulting from their adoption; he would, however, advise the noble Lord not, at this period of the Session, to persevere in his opposition, as he might thereby endanger the passing of the Bill. He thought that the compensation granted by the Commons was alarming in its amount, which he understood would be about £100,000 a year; the instances in which it had been deemed fit to allow claims for compensation would also afford a very inconvenient precedent hereafter. He could not quite understand from the Bill whether the compensation were to be thrown upon the revenue of the country, or to be provided for by the increased stamp duties, which would fall upon those persons who had occasion to resort to the Court. Some of the alterations made in the other House were, he considered, most judicious, and upon the whole he could not support his noble Friend's Motion.

LORD CAMPELL congratulated their Lordships at the prospect of this Bill becoming law. No measure was more urgently required, and the improvement it would effect would be most striking. He, however, agreed with his noble and learned Friend (Lord St. Leonards) in respect to compensation. He drew a wide distinction as respected compensation between the case of persons holding offices which were abolished and the case of professional emolument. At the same time he did not object to some amount of compensation in the latter case.

THE LORD CHANCELLOR reminded the noble Lord (Lord Wynford) that if they were to wait in the hopeless endeavour of making the two Houses agree upon every point of detail in a Bill like the present, they would never pass the measure at all. It was very difficult, respecting compensation, to estimate the probable amount it would reach under the provisions of the Bill, but he had no hesitation in saying that it was considerably overstated when it was put at £100,000. At present there was a fee upon every probate, to which the proctor was entitled, called a "proctor's fee," and he (the Lord Chancellor) had in the first instance entertained the hope of being able to abolish this heavy expense altogether; the amount of compensation, however, which the other House had decided upon allowing, would render it necessary in the first instance to continue a portion of that fee. His noble Friend, in the objections which he took to the clause respecting the liability of the Bank, was entirely mistaken. Under the present Bill, as under the old law, the Bank was indemnified if probate were granted upon a forged will, and, as had always been the case, it was not indemnified if the probate were forged, though the will might be genuine.

Motion *withdrawn.*

Some Amendments *agreed to,* with Amendments, and some *disagreed to* ; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to some of the said Amendments: The Committee to meet *immediately:* Report from the Committee of Reasons, read, and *agreed to;* and a message sent to the Commons to return the said Bill, with the Amendments and Reasons.

PIMLICO IMPROVEMENTS.

Moved to resolve, That as regards the said Bill it appears that the progress of the same was delayed in the House of Commons until after the funds to be provided for carrying it into effect had been voted by that House, which was not done until the 11th instant, which accounts for the late period at which the said Bill reached this House; and, inasmuch as the said Bill only extends the time granted by a former Act for the purchase of lands, and the improvements to which it relates must be most inconveniently postponed and the owners of the properties referred to injuriously affected by such delay unless the said Bill should pass in the present Session, it is the opinion of this House that the circumstances which render legislation on the subject matter of the said Bill expedient are in the opinion of this House of such urgency as to render the immediate consideration of the same necessary ; *agreed to.*

Bill read 2ª (according to order) and *committed* forthwith.

DUNBAR HARBOUR LOAN BILL.

Moved to resolve, That as regards the said Bill it partakes of the character of a Bill of aid or supply ; and as the Harbour of Dunbar is the only port of refuge for vessels engaged in the herring fishery on the coast of East Lothian, and the said harbour has lately suffered so much from the sea that unless speedily repaired the whole is likely to be destroyed by the storms in the ensuing winter, and such repairs cannot be effected without the assistance granted by the Loan to be advanced by this Bill, the circumstances which render legislation on the subject matter of the said Bill expedient are in the opinion of this House of such urgency as to render the immediate consideration of the same necessary ; *agreed to.*:

Bill read 2ª according to order), and *committed* to a Committee of the whole House on *Thursday* next.

METROPOLITAN POLICE STATIONS, &c. BILL.

Moved to resolve, That as regards the said Bill it provides for raising a sum of money for building and improving stations of the Metropolitan Police, and any delay in making such provision will be injurious to the health and efficiency of the Force, the circumstances which render legislation on the subject matter of the said Bill expedient are in the opinion of this House of such urgency as to render the immediate consideration of the same necessary: objected to ; and, after short debate, *resolved* in the *affirmative.*

Bill read 2ª (according to order), and *committed* to a Committee of the whole House on *Thursday* next.

REVISING BARRISTERS (DUBLIN) BILL.

Moved to resolve, That as regards the said Bill, inasmuch as the appointment of an additional assistant barrister is absolutely necessary in order to proceed with the Registration of Voters in the County of Dublin, the circumstances which render legislation on the subject matter of the said Bill expedient are of such urgency as to render the immediate consideration of the same necessary ; *agreed to.*

Bill read 2a (according to order), and *committed* to a Committee of the whole House on *Thursday* next.

PROBATES AND LETTERS OF ADMINISTRATION (IRELAND) BILL.

Moved to resolve, That as regards the said Bill, inasmuch as the passing thereof through Parliament has been suspended in order to make its provisions conformable to those of the Probates and Letters of Administration Bill, and that it is desirable that legislation on this subject should be uniform in the two countries, for these reasons the circumstances which render legislation on the subject matter of the said Bill expedient are of such urgency as to render the immediate consideration of the same necessary : *agreed to.*

Bill read 2a (according to order ; and *committed* to a Committee of the whole House on *Thursday* next.

MUTINY (EAST INDIA) BILL.

Moved to resolve, That inasmuch as the India Mutiny Act is a permanent Act, and now requires amendment, the present state of that country makes it of such urgency as to render the immediate consideration of the said Bill necessary ; *agreed to.*

Bill read 2a (according to order), and *committed* to a Committee of the whole House on *Thursday* next.

JOINT-STOCK COMPANIES ACT (1856) AMENDMENT BILL.

Moved to resolve, That as regards this Bill, doubts have arisen as to whether the provisions of the Act of 8 *Vict.* cap. 116, for the Regulation of Insurance Companies, had not been repealed by the Joint-stock Companies Act, 1856, a provision for the purpose of removing such doubts was introduced into the other House of Parliament in a Bill for the Regulation of Insurance Companies ; but such Bill having been lately withdrawn on account of that House not having time for the due consideration of the same, this Bill was introduced to secure the object before mentioned, which appeared to the Commons to require the immediate attention of Parliament ; and it is the opinion of this House also, that the circumstances which render legislation on the subject matter of the said Bill expedient are of such urgency as to render the immediate consideration of the same necessary ; *agreed to.*

Bill read 2a (according to order), and *committed* to a Committee of the whole House on *Thursday* next.

PAROCHIAL SCHOOLMASTERS (SCOTLAND) (NO. 2) BILL.

Moved to resolve, That this Bill is similar in its provisions to one sent down from this House to the Commons ; and, inasmuch as the schoolmasters of Scotland would have no legal claim to remuneration unless this Bill passes, the circumstances which render legislation on the subject matter of the said Bill expedient are in the opinion of this House of such urgency as to render the immediate consideration of the same necessary : *agreed to.*

Bill read 2a (according to order), and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned at Seven o'clock,
till Thursday next, half-
past Three o'clock.

HOUSE OF COMMONS,

Tuesday, August 18, 1857.

MINUTES.] 3° Customs and Excise ; Customs.

DIVORCE AND MATRIMONIAL CAUSES (STAMP DUTIES) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Upon the motion of Mr. BOUVERIE in the absence of Mr. WILSON, the following Resolutions were *agreed to:*—

"That the same amount of Stamp Duty as is now payable on the admission of a Proctor to any Ecclesiastical Court shall be payable by every person to be admitted as a Proctor in the Court of Divorce and Matrimonial Causes, or in the Court of Probate, who shall not have been previously admitted as a Proctor in the other of such Courts, or in an Ecclesiastical or Admiralty Court, and have paid the Stamp Duty in respect thereof:

"That every person who shall practise as a Proctor or as a Solicitor or Attorney in the said Court of Divorce and Matrimonial Causes, or the said Court of Probate, shall obtain an annual Certificate to authorise him so to do under the Stamp Duty Acts in the same manner as Proctors practising in the Ecclesiastical or Admiralty Courts and Solicitors and Attorneys practising in Her Majesty's Courts at Westminster are now required to do by the said Acts or any of them."

House resumed : Resolutions to be Reported *this day* at Six o'clock.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee: MR. FITZROY in the Chair.

Clause 53 (Parties at liberty to marry again).

SIR WILLIAM HEATHCOTE said, it was with great pain he had to communicate to the Committee that his right hon. Friend and Colleague (Mr. Gladstone), who had an important Amendment coming next in order, had been subjected to a very severe domestic calamity, the apprehension of which had prevented his attendance yesterday, and the actual occurrence of which would now render his presence impossible. Under these circumstances he had to throw himself upon the indulgence of the Committee in presuming, at very short notice, to bring before them an Amendment which ought to have been in so much better hands. The Amendment of which his right hon. Friend and Colleague had given notice was to leave out all the words after "marry again," in the last line but one—namely, "as if the prior marriage had been dissolved by death"—for the purpose of inserting "in the office of the registrar." The effect of that would be that the respective parties in a divorce case would be allowed under the clause to marry again; but they would be obliged to be married before the superintendent registrar. He might take that opportunity of saying, that although the words he had read were quite sufficient to raise the discussion, yet he apprehended it would be necessary to add, in the event of their being carried, words for the purpose of showing distinctly that marriages before the registrar should take place under the conditions of an Act passed in the last Session, by which the marriage in the office of the registrar did not in any way preclude the religious ceremony afterwards, if the parties could procure a clergyman of the Church of England or a minister of any other denomination to perform it. Notice had been given of other Amendments, the effect of which would be to leave the parties divorced to be married in the ordinary way, but to exempt from penalties any clergyman who should refuse so to marry them. Now, the hon. and learned Attorney General, in an early part of these debates, pointed out the inexpediency of enacting a law and in the same breath providing exceptions for persons who did not obey it. If the Committee were driven to that alternative he thought reasons might be shown for its adoption; but he so far agreed with the hon. and learned Attorney General that he would prefer putting the law on such a footing that it would not be necessary for any one to claim an exemption under it. As far as the clergy and the person seeking marriage were concerned, the Amendment which he intended to propose on behalf of his right hon. Friend and Colleague came exactly to the same point as those to which he had just referred. Divorced persons going before a registrar would be enabled under his Amendment to be married, and although they could not under the Act of last Session compel any clergyman to add the religious ceremony, yet that was common to all the other Amendments, which expressly provided that no clergyman should be obliged to marry them. The superiority of his Amendment consisted in its allowing the law to be carried out in a regular manner, without the necessity of exempting any one from obeying it, and obviating the objections pointed out by the Attorney General. It had been represented as hard to subject divorced persons to what was deemed an inferior mode of becoming married. He asserted, on the other hand, that when the Act of last Session was passed, marriage before a registrar was put upon an equality with marriage in a church, for the express purpose of meeting the conscientious and very reasonable scruples of Dissenters. It was open to any person to superadd to the civil ceremony any form of religious sanction which they thought fit. Considering the religious differences which existed in England at the present day, he saw no reason why every marriage should not commence with the civil ceremony; but, at any rate, they had no right to say that marriage before a registrar would place parties in an inferior position, especially when they would have an opportunity of superadding the religious ceremony in the event of their being able to induce a clergyman to perform it. The Act of last Session contained a recognition of two principles important to his present argument. One was that, notwithstanding all the forms which the Act prescribed had been gone through, no minister of religion should be obliged to take notice of those forms, or solemnize marriages which were initiated in the office of a registrar; in other words, ministers of religion were relieved from the obligation of performing the religious ceremony over those who commenced their marriage not in accordance with the mode prescribed by the denomination to which they belong. The other was that persons who were desirous to add the religious ceremony ordained by the Church might do so, if they could induce a clergyman to perform it, not only to the notice commenced in the office of the registrar, but to the actual marriage completed before that functionary. He held, therefore, that the provisions of the Marriage Act, applying as they did in both directions, giving a precedent for respecting the conscientious scruples of clergymen, and at the same time affording the divorced persons who might be remarried before a registrar all the advantages of the religious ceremony, went far to remove the various objections which had been stated against his Amendment. It was not necessary to enter into much argument to prove that, grave religious scruples were entertained by the clergy at large with respect to the law of divorce, though at the same time he was ready to admit that they differed in intensity. Some of the clergy entertained conscientious scruples against remarrying any person whose previous marriage had been dissolved by divorce. Others, again, believed they were prohibited from marrying the guilty party, while others objected to marry the two persons who had been parties to the act which had led to the dissolution of the marriage. To one of those classes the large majority of the clergy of the Church of England belonged, and their opinions, he conceived, were not to be utterly disregarded. The conscientious scruples of the clergy had been recognized upon a much less important matter in the course of last year, and in following the same course upon the present occasion no injury would be done to any party, as whenever a clergyman could be found who did not entertain objections to such marriages the parties could obtain the advantage of the religious rite. It must be remembered too, that if parties whose conduct had led to a dissolution of their previous marriage were placed in a somewhat inconvenient position they had not much to complain of ; for it would be too much to expect that persons who had been guilty of such an offence should be placed upon exactly the same footing as persons whose conduct had been irreproachable. Moreover, he believed that in scarcely one case out of 5,000 was the party complaining entirely free from the imputation of having in some measure contributed to the unfortunate result. This Bill could not be regarded as the end of legislation. In future Sessions there would be efforts to establish fresh causes of divorce, and as those causes were multiplied so would the objections of the clergy to remarriage be increased. At present the country was approaching rapidly to a complete distinction between the civil and the religious aspect of marriage, and it would be a mere superstition now to believe that any proceedings in a court of justice could have any effect upon the religious character of the marriage contract. By adopting the Amendment he proposed, Parliament would be confining itself to its legitimate functions of civil legislation, leaving the religious question to be dealt with by the clergy. The lower order of the people, especially in the country districts, had a high notion of marriage as a religious ceremony—they thought that it excused all previous faults, and to legalize the intermarriage of adulterous persons would, he feared, lead to very lax ideas of the wickedness of seducing a neighbour's wife. If the Bill, as it stood, were forced upon the clergy, he must say, without in the least intending to hold out a threat, that he believed the feeling of that body was such that it would be a most important step towards producing a severance of that connection between the Church and the State which it was so desirable to see maintained. Let them recollect the effect of a similar step in the break up of the Kirk of Scotland. A timely concession might have prevented that schism—a concession made now might prevent a similar disruption in the Church of England. He proposed the Amendment which had been suggested by his right hon. Colleague, believing that it tended to prevent such an event as he had just alluded to, that it kept Parliament within the range of its proper functions, and that it would tend to mitigate the great social evils which were to be apprehended from facilitating the granting of divorces. He also believed this Amendment would meet the purpose of all the other Amendments, the object of which was to protect the clergy form an oppression upon their consciences; and upon that, and the other grounds he had mentioned, he asked the House to give the proposition the same active consideration which he was sure it would have received had it had the advantage of being proposed by his right hon. Colleague.

Amendment proposed in p. 13, lines 15 and 16, to leave out the words "as if the prior marriage had been dissolved by death," in order to insert the words "in the office of the Registrar."

The ATTORNEY GENERAL said he was quite sure he expressed the feelings of all the hon. Members on that (the Ministerial) side of the House, when he gave utterance to his deep regret at the calamity which had deprived them of the presence of one who was the chief ornament of the debates of that assembly. There was no man who more admired the ability and eloquence of that right hon. Gentleman (Mr. Gladstone), or who could have more pleasure in bearing testimony to his distinguished talents than himself (the Attorney General), but at the same time he did not think the case had lost anything by being committed to his hon. Friend, considering the calm, impressive, and judicial—he probably might add—successful mode in which the merits of the case had been presented to the Committee. He regarded this as a most important question, and one which they were bound to approach in the most careful and deliberate manner. He would desire, therefore, to express to the Committee the difficulties which he felt with regard to the proposal now before them, not with a view to defeat that proposal, but to assist, as far as lay in his power, in giving the Committee a right apprehension of its bearings, and to ascertain, if possible, the best method of raising the important question pointed at in various Amendments on their paper—that question being whether there should be a legal obligation on any clergyman of the Church of England, who did not desire to marry divorced parties, to celebrate such a marriage. The Committee would observe that the proposition before them involved in the first place a provision that the divorced parties were to marry through the medium of the registrar, both the guilty and the innocent party being involved in this arrangement. Then, in the second place, by striking out the words "as if the prior marriage had been dissolved by death," they arrived at the conclusion that the alteration was based upon the doctrine that marriage in the eye of the Church of England was to be regarded as an indissoluble engagement. Now, he submitted that on these two grounds the Amendment was highly objectionable. But he would further endeavour to explain to the Committee the grounds of objection that would arise from adopting the form of words laid down in the Amendment. They would observe that the marriage was to take place "in the office of the registrar." That was an affirmative proposition. Let them imagine a case where the parties had been divorced; they might go out to the world and mix in society; but some time afterwards the husband might form another engagement and marry *in facie ecclesiæ* another woman. Would that marriage be good or not, the woman being totally ignorant of the husband having been previously divorced? According to the sense of the proposition before them, he would say that the marriage would be good, because the proposition contained no negative words to the effect that the parties should not marry elsewhere. But suppose it was meant to alter the words, giving them a negative form, which would prohibit the parties marrying elsewhere, what would be the effect? The man and woman would go out to the world, and some years afterwards, perhaps, the man might contract a marriage with an innocent woman—it might be in a high condition of life, though that in no way affected the question. They had gone out into the world with the capacity to commit fraud of the cruelest kind, because the man might marry a woman who knew nothing of the prohibition that attached to him. In such a case the innocent woman would be deceived in the most cruel and heartless manner, because it would be no marriage at all, and her innocent offspring would be bastards. All this would spring from putting a man and woman in a negative situation, from which no benefit could result. Now, he did not think that a desirable state of things. His conclusion was that they could not arrive at a right decision on the great question they had to settle—that of the reluctance of clergymen of the Church of England to marry divorced persons—without having regard to the Amendments of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), and that of the gallant Major the Member for Harwich (Major Warburton). He had pointed out one difficulty arising from the proposition before them. He would shortly advert to another. Marriage might be solemnized in three or four different ways according to the law. There was the form of celebration which took place in the face of the Church of England; but another was by the different clergymen of Dissenting denominations in registered chapels,—as, for example, in the chapels of Quakers, in the synagogues of the Jews. Now, did his hon. Friend mean to say that divorced parties were not to go and be married in a chapel belonging to their own persuasion? And yet his Amendment would prohibit all such marriages. His humble advice was not to try the great question of the scruples of clergymen of the Church of England, which they had to determine by the proposition now before the Committee, but to let that point be tried on the other Amendments to which he had referred. He desired to approach that question with the greatest possible deference to the opinion of the large body of clergymen who had signed the declaration, but he did not think that this Amendment afforded the best opportunity for discussing it, and he hoped the hon. Baronet would withdraw his proposition and take the discussion on this important matter on one of the other Amendments before the Committee.

Mr. BERESFORD HOPE said, he rose to express his thanks to the hon. and learned Attorney General for the calm tone in which he had approached this question; but he could not help thinking that the Amendment now before the House offered the least invidious mode of effecting the object in view. It would avoid the possibility of the clergy in one place taking a different course from the clergy in another, and all the inconveniences to which such a conflict of practice would give rise, by leaving one clergyman popular with one set of persons and unpopular with another, for that for which his neighbour would be popular with those in whose eyes he was unpopular, and *vice versa*. As the hon. Baronet the Member for the University of Oxford observed, this country will have sooner or later to come to the principle of the civil marriage; why then not now admit this instalment? As to the picture which the hon. and learned Attorney General had drawn of the man who having been divorced in early life, and afterwards not wishing to betray this fact in his history, got married in church, he must observe that he cannot but think that his right hon. Friend who drew the words had purposely adopted such moderate language as would not render such a union void, however contrary to law it might be in its performance. Such a case would be on all fours with what every one who attended to the condition of the people knew was not uncommon, a minor by false pretences obtaining a marriage licence, representing himself to be of age. The person committing this act rendered himself liable to punishment, and yet his marriage stood good—*fieri non debet sed factum valet.* He had unlawfully procured a lawful wife. So in the case which the hon. and learned Attorney General drew, it must be observed, that the man, who could conceal from the future partner of his life so grave a circumstance in his career, could not be a man of very refined feelings or high honour. In fact the analogy was complete. For such an exemption as that now claimed there was abundant Parliamentary precedent, in a question referring to a change in the law of marriage. In the year 1849 the right hon. Member for Buteshire (Mr. S. Wortley) carried a Bill through that House for legalizing marriage with a deceased wife's sister, in which was contained a clause exempting clergymen from penalties for either celebrating or refusing to celebrate such marriages. The Bill passed through the Commons and was lost in another place. Well, the year after, the same right hon. Member re-introduced his Bill, which again passed the Commons; but in this Bill he made still further concessions to the clergy, and instead of the clause of the year before—similar in principle to that before the House at present—he introduced one to maintain the discipline of the Church as before, and thus prohibit clergymen from celebrating such marriages, and the House upheld him in this still larger boon to the Church. What was therefore now asked for was a concession to the Church less than that which the House of Commons in 1850 thought it right to concede.

Mr. NEWDEGATE said, that the able argument of the hon. and learned Attorney General had convinced him that this Amendment would accomplish too much. By adopting it the House would plainly state that it meant to continue in the course which had been too long followed, of considering marriage merely as a civil contract. He was afraid that in providing against the evil consequences of the crime of adultery, Parliament would be lending a vital sanction to its commission which the Church Catholic had universally refused. He hoped that the House would not thus separate itself from the influence of Christianity—an influence which ought to be upheld as a corrective against the dangerous tendencies of the Bill. The Church had mercifully modified the doctrine of indissolubility of marriage to meet the weakness of human nature. He trusted that the Committee would do nothing which might endanger the connection between Church and State, or, if they preferred the expression, between the State and Christianity; and that they would show as much respect for the conscientious scruples of clergymen of the Church of England as had already been exhibited for those of Dissenters and Roman Catholics.

MR. GRIFFITH said, he considered the argument of the hon. and learned Gentleman unanswerable, and he should, therefore, oppose the Amendment, because it would be unjust to punish an innocent husband, and still more an innocent wife, by refusing them remarriage except in the office of a registrar.

LORD JOHN MANNERS said, although he could not but compliment the hon. and learned Attorney General upon the singular ability and moderation with which he had conducted his argument upon this occasion, he must, nevertheless, dispute the position of the hon. and learned Gentleman, that by the adoption of this Amendment the House would deliberately express the opinion that, according to the doctrine of the Church of England, marriage was indissoluble. On the contrary, the Amendment kept out of sight all allusion to the doctrines or discipline of the Church. The Bill itself compelled them to discuss marriage, divorce, and remarriage as matters of purely civil concern. The other objections which had been urged against the Amendment of his hon. Friend by the hon. and learned Attorney General were not, he thought, of that magnitude to induce the Committee to decline further consideration of the subject. There was one objection taken by the hon. and learned Attorney General which he did not clearly understand, and that was, the objection which he had taken to the words of the clause as they stood in an affirmative sense, while he had laid greater stress upon certain negative words, which, he said, ought to be introduced in order to carry out the object of his hon. Friend. Now, the whole argument of the hon. and learned Attorney General had proceeded upon the assumption that it was necessary that those negative words should be inserted, and he was bound to admit that he had never heard any argument more clear or comprehensive than that by which the hon. and learned Gentleman had demolished those words. The Committee, however, must remember that the suggestion of the insertion of those words had not emanated from his hon. Friend, but from the hon. and learned Attorney General himself. Well, then, the hon. and learned Attorney General had referred to the case of Dissenters, and had stated that they would not, if they came within the operation of this clause, be able to have the ceremony performed according to their own rites; but he thought that his hon. Friend had clearly pointed out that, under the provisions of an Act which was passed last year, the members of every Dissenting Communion had full right, after the marriage in the registrar's office, to have a religious ceremony performed in accordance with their religious persuasions. He did not think, therefore, that the clause would have that influence upon Dissenters which the hon. and learned Attorney General appeared to suppose. For his own part, he considered that the Dissenters had almost an equal interest with members of the Church in the matter, and he had not been at all surprised that they had joined in petitioning aginst certain clauses of the Bill. He would, however, wish particularly to direct the attention of the Committee to the main point at issue, which was, whether the hardship which would be inflicted upon those unfortunate persons who, with no fault on their side, had suffered from the commission of adultery, was so great as to outweigh all the advantages which might arise from settling the question in a manner which would be in accordance with the feeling and the opinion of a great majority of the people of this country. For his own part, he considered that the advantages would outweigh the hardship which would be inflicted, and he should be glad to see the Committee settle the question in an amicable way and in accordance with public feeling and opinion.

MR. ADAMS remarked, that he considered it advisable to withdraw the Amendment, and to allow the Committee to proceed to the discussion of one of the Amendments which it was intended subsequently to propose. The Committee would find, that if facilities were afforded for the solemnization of marriage before a registrar, it would lead to the neglect of that religious sanction of the ceremony which they must all desire to promote. Besides, he did not think it right that the innocent parties to a suit for divorce should be compelled to forego that sanction, and have the brand affixed to them that they were so degraded as to be unfit to participate in the ordinary ceremonies of the Church; and, while he was disposed to pay the utmost respect to the conscientious scruples of the clergy, he should venture, for the reasons which he had stated, to suggest to the hon. Baronet the Member for the University of Oxford (Sir William Heathcote) the expediency of withdrawing his Amendment.

LORD LOVAINE said, if the Amendment were persevered in he should feel it to be his duty to vote for its adoption, although he could not help regarding it as a hardship that innocent parties should not be enabled to secure for the marriage contract the benefit which was to be derived from its solemnization in accordance with the ordinary rules of the Church.

MR. BRISCOE said, he would express a hope that the Committee might be able to come to a decision upon the question before them without any party being entitled to claim the victory. He found that 11,000, or two-thirds of the whole body of the clergy, had petitioned respecting this clause, and he was sure that the conscientious scruples of such a body of men would not be ignored by the Government.

MR. SPOONER observed, that he had hitherto been a silent, but by no means an indifferent participator in the proceedings which had taken place in reference to the Bill. He had been so, because the subject with which it proposed to deal was one, in his opinion, of a most difficult character. He now rose, however, to urge the withdrawal of the Amendment, to which he objected, because it included the innocent as well as the guilty. If it had been confined to the guilty it should have had his support; but he could not assent to inflicting great hardship upon those who were entirely innocent. He believed that divorce was not only permitted, but, by implication, was commanded, by the Word of God, in the case of adultery, but in that case alone. And when there was both Scriptural and Parliamentary right to have a marriage declared null and void, it would be most unfair to debar innocent parties from having their marriages solemnized by the Church. He therefore trusted that the hon. Baronet would withdraw his Amendment, and allow the question of relieving the conscientious scruples of the clergy to be raised on the Amendment of his right hon. Friend the Member for the University of Cambridge (Mr. Walpole). He hoped and believed that the Committee would grant this boon, which was so earnestly asked by the clergy, and which he thought it was the imperative duty of Parliament to grant.

MR. MALINS said, he also would join in the general request that the Amendment should be withdrawn, in order that the sense of the Committee might be taken either on the Amendment of his right hon. Friend (Mr. Walpole), or that of the gallant Member fur Harwich (Major Warburton).

SIR WILLAM HEATHCOTE said, it appeared that one part of the Amendment, which was directed towards the discouragement of the remarriage of divorced persons, was not generally acceptable, and that the other part, which proposed to relieve the clergy, met with considerable favour. In the opinion of many hon. Gentlemen the latter question was more capable of being advantageously raised on other Amendments, and he was, therefore, ready to withdraw his Amendment to make room for them.

Amendment, by leave, *withdrawn.*

MAJOR WARBURTON said, he would submit to the Committee that there would be little practical inconvenience from the clergy being exempted from the compulsory solemnization of the marriages of divorced persons, as many of them might be willing to celebrate those marriages; and if not, the registry office would be still open. The condition of a clergyman of the Church was different from any other individual, inasmuch as he could not recede from the office which he assumed, and it should be also recollected that no clergyman at the time of taking orders, was aware that he was about to incur this responsibility, because it was, for the first time, about to be made part of the written law of England that divorced persons might marry again. He would appeal to members of the Church of England to protect the feelings of their clergy as they would protect their own, and to those who were not members of the Church of England, in the name of religious freedom, to protect the feelings of the clergy, remembering that their forefathers knew, only too well, what it was to suffer for conscience' sake the pains and penalties of the laws of England. He begged to move the Amendment of which he had given notice, adopting an Amendment of the noble Lord the Member for Marylebone (Viscount Ebrington) which would protect the clergy in case of their solemnizing, as well as in the case of their refusing to solemnize, these marriages.

Amendment proposed, at the end of the clause to add the words

"Provided always, and be it Enacted, That no Priest or Deacon shall be liable to any suit, penalty, or censure for refusing to solemnize the marriage of any person who shall be divorced by virtue of this Act."

Question proposed, "That those words be there added."

Mr. WIGRAM said, the claim of the clergy was a claim of justice. Could any candid or impartial man, looking attentively through the marriage service of the Church of England, as settled by the Act of Uniformity, conscientiously say that every clergyman could read it over persons one of whom was divorced? It commenced with a solemn invocation to the parties, as in the presence of Almighty God, that they would declare any cause or impediment to their marriage, and towards the conclusion, it pronounced marriage to be so constituted by Him that it could never be dissolved. The words were unequivocal and unambiguous, and a minister of the Church of England might justly accept them in their literal form, without explanation or modification. Let them consider the position of a minister who had to read that service over two of his parishioners if he had previously read it over one of them, and knew that he or she had committed adultery and violated the marriage contract. Could that clergyman, with any satisfaction to his conscience, invoke that person, as in the presence of the Almighty, to declare whether there was any lawful impediment to his remarriage? He was persuaded that a great majority of the clergy would feel that they were making a mockery of the marriage service if they were to read it over parties who had been divorced. A plain appeal was made to the justice of the Legislature. The Rubrics of the Church were held to be engrafted on the Act of Uniformity, and, by them, a minister was compelled, not to read any service he pleased, but to read the particular marriage service prescribed by the Church, over all persons whom he joined in marriage. Now, whereas the marriage service was framed at a time when marriage was held to be indissoluble, the Legislature was now asked to introduce an entirely new state of things, and to declare the dissolubility of marriage. In these circumstances they were bound to take one of two alternative courses, either to modify the marriage service of the Church, or else to give the clergyman an option as to whether he would read it or not. It was idle at that period of the Session, to think of qualifying the services of the Church, and they were, therefore, forced to adopt the other course of saying that those clergymen who conscientiously objected to reading the existing marriage service over persons who had been guilty of adultery should not be compelled to do so. No person could look at this question without feelings of apprehension. The clergy, no doubt, would be, as a body, most reluctant to act in opposition to the law of the land; but, on the other hand, he knew there were large numbers with whom it would be a matter of conscience, and who would consider themselves forced to determine whether they were to respect first the law of God or the law of man. That was not a fair position in which to put the clergy of the Church of England. Let it be remembered that Baron Von Gerlach, in his speech to the Prussian Chamber, alluded to the fact that the Prussian clergy, without the sanction of the Church, would not solemnize such marriages, although enjoined to do so by the law of the land. We were, therefore, not without experience. He thought it was extremely desirable, also, as a matter of mere policy that the clergy of the established Church should have the option, as the ministers of every Dissenting denomination had the option, of giving or withholding the religious blessing upon the remarriage of divorced persons. Baron Von Gerlach remarked that latterly, since the clergy had refused to marry divorced persons, there had been a most remarkable diminution in the number of divorces in Berlin, and he attributed that diminution to the course taken by the ministers of religion. Now, whatever might be our opinion of the probable effects of the present Bill, nobody could deny that its powers might be abused; and surely if we could prevent men, by a religious influence operating upon their minds, from making a bad use of the liberty which it was now sought to confer upon them, we ought to avail ourselves of every means of accomplishing that object. That about three-fourths of the whole clerical profession had joined in a memorial to Parliament was a striking fact, which he was sure the Government, who were inclined to respect the feelings of the country, would not overlook or underestimate. It had been said that the clergy never made any difficulty before. That was true; but the reason was, that the question was now raised for the first time. From the time of the Reformation there had been altogether about 300 divorces. It was exceedingly improbable that there had been more than 100 remarriages, and, of these, he ventured to say, that not above 50 had taken place in this country. The probability was that in many cases the clergymen did not know that the parties had been divorced, and it was quite absurd to say that the few instances which might have occurred of clergymen negligently reading the marriage service over parties who had been guilty of adultery in former marriages formed any precedent against the claim now made by the whole profession. Now that it was proposed to make a general law the clergy came forward with a demand to have their conscientious scruples respected, and he earnestly trusted that their appeal would not be in vain.

VISCOUNT EBRINGTON said, he could not concur in the views expressed by the last speaker, though he was happy to find that they coincided in the Votes they should give if the Government, as he hoped they might not, resisted the Amendment. He did not share in the opinion of the hon. and learned Gentleman with respect to the marriage service, nor did he believe that the scruples he had mentioned were so universal among the clergy as he supposed. The conscientious scruples of the clergy were undoubtedly entitled to respectful consideration, but he was not an advocate of priestly domination, and therefore held that the House had power to pass laws which were binding upon the clergy. At the same time, things which were lawful were not necessarily expedient, and he had a grave objection to creating professional martyrs. He thought the best way to cut the ground from under the feet of all such persons would be to remove all reasonable grievances. He felt, therefore, that it would be unwise, as well as cruel, to encumber a useful measure with any clauses pressing heavily upon certain clergymen, as would be the case if no Amendment were adopted. They were bound to recognise and weigh the conscientious scruples of clergymen who entertained opinions that would prevent them from willingly marrying divorced persons as far as they could do so without danger to the State. At the same time in recognizing those scruples they should take care to avoid putting into the hands of the ecclesiastical authorities a weapon which would enable them to fly in the face of Parliament and to persecute such of the clergy who might feel inclined to comply with the provisions of the Act of Parliament.

GENERAL THOMPSON wished to know what practical probability there was of any particular clergyman being made a martyr in consequence of the act of the Legislature. It was not likely that a person who had been divorced, and who wished to marry again, would go to a clergyman who was known to entertain a repugnance to such marriages, while there would never be any difficulty in finding ministers who felt no such scruples. A person who had been divorced would not apply in a quarter whence he must expect refusal, and thus revive the publication of his misfortune. He (General Thompson) felt strong objections to forcing discreditable people to have recourse to the civil ceremony, and could not see why the civil ceremony should receive any artificial slight. He was inclined to believe that under it, a system of something like concubinage might arise, if pains were taken to assign that form of marriage to persons it was sought to discredit.

MR. FOSTER said, that as a constant supporter of the Government through all the stages of this Bill, he would express a hope that the hon. and learned Attorney General would accept this Amendment.

MR. AYRTON said, he was desirous of doing nothing that would wound the conscientious feelings of the clergy, but at the same time he thought this question must be regarded in another light also. He could not forget that the parish churches were not the property of the clergy, but of the parish, and a rector or vicar who entertained peculiar notions had no right to compel his parishioners to adopt those notions or to debar them from the use of their own church. If a rector or other reverend authority in a parish objected to perform such marriages as were referred to by the clause now under discussion, there was no reason why he should be forced to do so against his conscience, but at the same time he ought not to be allowed to prevent his curates from officiating if they did not share his peculiar ideas. The Amendment seemed to be intended to meet the scruples of those clergymen who had gone already half-way over to Rome, but who were unable to bring themselves to relinquish the temporalities of the Church of England. Some of these men, it appeared, objected even to remarrying the innocent party, and the Amendment would enable them to indulge their semi-popish notions that marriage was a sacrament. If the clergy were entitled to relief it should be granted, but only so far as justice required. Though he admitted that new duties should not be imposed upon a clergyman by Act of Parliament if those duties were repugnant to his conscientious opinions, he must at the same time claim the right to prescribe the conditions upon which the temporalities of the Church should hereafter be held; and whilst he would not interfere with the present position of clergymen, he thought they ought not to be allowed to receive other preferment without acknowledging and yielding obedience to the law of the land. It was true the Legislature ought not to interfere with the theological views of the clergy, but it had a right to interfere with and to regulate the disposition of Church property. He therefore submitted for the consideration of the House, whether a provision should not be introduced, limiting the exemption of the clergy from their obligation to perform the marriage twice to such preferment as they at present hold. The rights of the laity should receive as much consideration as the scruples of the clergy. If a clergyman had insuperable objections to perform what an Act of Parliament required him to do, there should be a provision in the Act to enable the parishioners to call in another minister who entertained no such scruples. It was an every-day practice for clergymen to allow other ministers, friends of the parties, to celebrate marriage in their churches, an example which might be followed, as he had suggested, with advantage of all parties. He would entreat the Government not to be led away by their feelings of respect towards the Church; and, if they adopted a course that was just towards the clergy, to take care, at the same time, not to trench upon the rights of the laity.

Mr. WALPOLE: The hon. and learned Gentleman who has just spoken says—and I am sorry he has introduced so undesirable a tone into this discussion—that, though it might be right to support a clause that would not be oppressive to the clergy, we must at the same time protect the consciences of the laity. That, he will permit me to observe, has been the spirit of our legislation down to this period. I have always had in view these two objects, and there is nothing in the Amendment now before the Committee that is in any way contrary to such a view of my duty. The hon. and learned Gentleman must forgive me for saying that I am not going to support the Amendment on any such imaginary ground as he supposes—namely, in order to allow any clergyman to remain in possession of all his rights and privileges as a minister of the Church of England, while he may secretly belong to another communion. I think the hon. and learned Gentleman will give me credit for saying, after the part I took in the Second Reading of this Bill, that I do not support the Amendment on the ground that marriage is indissoluble either by the law of God or by the law of the land. That question I have found very distinctly answered in the discussion of one of the most important points that could arise—namely, whether the adulterous parties ought to be allowed to marry again; for when it was proposed in 1809, as one of the Standing Orders of the House of Lords, that a clause should be introduced into any Divorce Bill prohibiting such marriages, the Archbishop of Canterbury, speaking not only for himself but for the whole bench of Bishops, said in the face of Parliament that there was nothing, in the opinion of the right rev. Bench, in the law of God contrary to those marriages, and that if they had been contrary to the law of God the Bishops would long before have interposed, if possible, to prevent them. I therefore take that statement as justifying me in saying that I proceed on no such grounds as that marriage is indissoluble. I believe that for the one offence of adultery, and for that one offence only, marriage both by Scripture and by reason ought to be capable of dissolution, and I further believe that it remains with Parliament to determine what tribunal shall be empowered to declare such dissolution. Having disposed of those observations, I may be asked to state on what particular grounds I support the Amendment now before the Committee. The hon. and gallant Member (Major Warburton) put his notice on the paper about the same time that I put mine, but, as he took some precedence of me in doing so, I willingly gave way to allow him to express his views to the House. I need hardly say that I am quite ready, in supporting his Amendment, to give the whole credit of effecting the object it has in view to the hon. and gallant Gentleman, or to the Government, if they will only introduce a clause that will prove acceptable to all parties. I support the Amendment on this ground—and I think it is one which it is impossible to controvert—that we have no right to impose on any person or any class of persons in this country the painful dilemma of obeying or disobeying one of two laws. Why do I say that that ground is unanswerable? Suppose this Bill pass into a law, the remarriage of the parties to whom it has reference will be expressly allowed by statute. The remarriage of the parties being expressly allowed by statute, any person would be at liberty to go to the clergyman of a parish and insist on his marriage, though he had been divorced, and not only insist on his marriage, but insist on its being performed according to the rites and ceremonies of the Church of England. Suppose the two adulterous parties go to the clergyman of a parish to be married, he requires of them to state in the most solemn manner whether there is any impediment to the solemnization of such marriage. In the words of the form laid down for this use, he says—

> "I require and charge you both, as ye shall answer at the dreadful day of judgment, when the secrets of all hearts shall be disclosed, that if either of you know any impediment why ye may not be lawfully joined together in matrimony ye do now confess it."

Then what does the Rubric say—the Rubric being a part of the Book of Common Prayer, which every clergyman is here bound to observe? It says distinctly—

> "At which day of marriage if any man do allege and declare any impediment why they may not be coupled together in matrimony by God's law or the laws of this realm, and will be bound and sufficient securities with him to the parties; or else put in a caution (to the full value of such charges as the persons to be married do thereby sustain) to prove his allegation, then," and I call particular attention to what follows, "the solemnization must be deferred until such time as the truth is tried."

Now, if you were to pass your Bill in its present form this may take place. If two adulterous parties demand marriage of the clergyman of a parish, any member of the Church, or any person who happens to be in the church, may object to the marriage as being contrary to the laws of God, and if such objection is taken the clergyman has no alternative, except to solemnize the marriage according as this law directs, or leave the marriage to stand over until "such time as the truth is tried," and thus hang the matter up in the Ecclesiastical Court. That is not a position in which we ought to place those parties. It is not that you require clergymen to marry parties as if it were merely a civil contract imposed by law, for then I should have agreed with the hon. and learned Attorney General, that when Parliament has passed a law we should require obedience to that law, though I say that before you pass a law you ought to look to the consequences of your Act and see that you are not imposing on any person or class of persons something that will be a strain upon their conscience in the discharge of their duty. If in the case of the adulterous parties it was only to be declared that the parties were married by civil contract there could be no objection raised; but what you are saying by this Bill is, that clergymen must use a form of words in giving effect to that contract which nobody who reads the service can say will be applicable to such a marriage. It may be said this is an exception, an exemption on privilege that is asked for, but it is neither the one nor the other. The clergy will be bound by the statute of Charles II., which requires them to perform the service in a particular manner, inapplicable to the present case as well as to this statute when it comes into operation; and will not this, I ask, cause an undue strain upon the conscience of the clergyman who thinks that such marriages are contrary to the law of God? How have you dealt with these cases before? How have you acted in the case of the Quakers? Supposing you were now passing a particular kind of oath to be taken by Her Majesty's subjects, would you think of making that oath applicable to the Quakers? What took place in the case of the Oxford and Cambridge University Bills? The members of those Universities and colleges were bound to take certain oaths with reference to the alteration of Statutes and so forth, and you appointed Commissioners with power to alter statutes in cases where the members of colleges could not do so, thus preventing any strain upon the consciences of the latter. Take, also, the numberless cases that have arisen with respect to the burial of persons who have committed the crime of self-murder. Till the reign of George IV. a *felo de se* was by law buried in unconsecrated ground, on cross-roads, and with stakes driven through his body. The Act of George IV. altered that law, and declared that the *felo de se* should be buried in the consecrated ground; but in a clause added to that Bill it was provided that no clergyman should be compelled to perform the burial service over him. Last year Parliament passed the Marriage and Registration Act, and in it were inserted two clauses which exactly laid down the manner in which these marriages ought to be performed. By the 11th clause it was provided that parties entering into a civil contract might apply to the minister of that denomination to which they belonged for the use of his chapel, and that minister might, if he chose, refuse it to them; and in the 12th clause it was provided that the parties might apply to a clergyman of their own persuasion to have the religious ceremony pronounced over them; but the clause neither said that he should not be obliged to perform that ceremony nor that he should, but simply that if he thought fit he might perform the ceremony after a civil contract had been entered into. This is exactly the privilege which I wish to be given to the clergy of the Church of England in this case. I appeal to the Government not to take a hasty step in this matter. I never knew an instance in which the Government held so completely the balance between what ought to be done and what ought not, as they do on the present occasion. An immense responsibility rests upon them and I am perfectly convinced that Parliament is prepared to follow their guidance if they direct their minds to the subject with a sincere desire to adopt the proper course. I hope they will consider, on the one hand, the oppressive manner in which the Bill will act unless some protecting clause is inserted on behalf of clergymen; and, on the other, will not deprive divorced parties, who wish to marry again, of the opportunity of having the religious ceremony performed, leaving the question as to where or by whom that ceremony should be performed for subsequent consideration. It is for the sake of the peace of the Church that I hope the Government will consent to this Amendment. Depend upon it, if you pass this proviso, you will always find some clergymen who will not be unwilling to celebrate these marriages; but if you don't, there are many clergymen who will look upon it as a strain upon their consciences which ought to be put upon the consience of no one.

THE ATTORNEY GENERAL: During the whole of the discussions on this Bill I have never risen to address the Committee with a deeper sense of the responsibility of the office committed to me. I am most happy to state at the outset that I am authorized by my noble Friend at the Head of the Government to propose a qualified acceptance of the Amendment; and the qualification which I shall have to submit to the Committee is one which I think will meet with the approbation of all parties. But in doing so I must humbly beg the attention of the Committee while I feebly endeavour to lay before them those considerations which have weighed with the Government, and which I think have not yet been presented to the Committee. And in the first place I would ask the Committee whether, in adopting the Amendment now before us, we are not about to introduce a qualification which, speaking with all respect, may prove a snare to those for whose service it is proposed. You are about to give the clergy an exemption and an immunity, and upon what ground? Upon the ground of the sin, guilt, and criminality of the charge affecting those who come before them with a request that a holy and religious ceremony may be performed. But if an exemption be granted on those grounds where are we to stop? Will the clergy not reason most consecutively from this exemption when they say, "You have exempted us from doing violence to our consciences in this matter, but why do you leave us under the necessity of submitting to the violation of our consciences in others? Take the case of a man and woman presenting themselves before the altar for the solemnization of this sacred rite, the woman bearing on her body the palpable and prominent marks of illicit cohabitation; suppose them coming fresh from the bed of fornication to solicit the intervention of the clergyman; suppose some notorious freeliver, some gross, libidinous man, who has shaken off all feelings of decency, and who by his past life has outraged all the principles of morality, presenting himself for the solemnization of this holy rite, what would be the feelings of the clergyman? That is the result which you must contemplate, if in any single instance you make up your minds to emancipate the clergyman from the overpowering authority of the law. You are about to trust the clergy with the fatal gift—fatal it will be to the peace of many—of exercising the right of private judgment as to whether or not they shall dispense those holy rites which they have been commissioned to administer. This will pervade all the services of the Church. Take the burial service or the baptismal service. The Church of England clergyman will reason most consecutively according to his impression of the great principle which we are about to introduce into the Bill when he says, "I must decline to read the burial service over an unbaptized man—how can I commit to the earth 'in the sure and certain hope of a joyful resurrection' the body of a man who I know to have died in the commission of some great sin?" Will not his argument be, "You have sanctioned by this Bill the right of appeal from your law to that law which is written in my own heart; that appeal I have a right to make, but if I have a right to make it in this instance I ought to make it in others?" The result will be that he will no longer be the minister of religion dispensing those holy rites in full trust and confidence that, as he knows not the heart of man, that heart may have been penetrated with repentance, that the notorious sinner, even the sinner of yesterday, may have had a new heart given to him, and that in so short a space of time he may have come into a fit state of repentance to receive those holy ceremonies. That is the humble trust, confidence, and assurance, with which each minister of religion now dispenses those holy rites. But you are about to take away from him entirely that ground of his ministration, and you are about to tell him—for if the exemption is good in this case it is good in all others—that he ought not to be a minister of religion dispensing the holy rites of the Church to those whom he believes to be unworthy recipients of them. Consider for a moment the responsibility which is thrown upon him with regard to the administration of the Lord's Supper. I cannot approach the subject without a deep feeling of the importance which attends the decision of this question. I cannot presume to set up my opinions or my view of the matter against those of so many eminent and deeply pious men, and of so many most competent persons as are here assembled; therefore, I express with the greatest diffidence the feelings which I entertain in my own mind, and if I give way, I give way not from conviction, but purely in deference to the united body of authority, and to the judgment of persons whom I must assume have weighed this matter well, and who, deeply feeling for the interests of the Church of England, believe that those interests, and the happiness, the peace, and the quiet of her ministers will be promoted by the introduction of this principle. Well, God grant it may be so! but, though it comes from a feeble voice, I warn you of the things that must follow in its train; and I beg you to pause before you give to the clergy of the Church a fatal gift, which may be the very fount and origin of that dissension, that discord, and that rending in twain which God forbid that we should ever live to see! Now, assuming that these matters have been well weighed, and that the great majority of the Members of the House are impressed with the conviction that it is the duty of the Government to give way to this feeling, I will tell you how far I have advised my noble Friend at the Head of the Government to meet the request which has been made by the supporters of the Amendment. Permit me to descend to some details, and to call your attention to the fact that the proposition of the hon. and gallant Major will deal with both the parties to the marriage, the husband and the wife, the innocent and the guilty, and that the words as they are proposed will not affect the third person, the adulterer, the chief author of the guilt, or the adultress. Now, assuming that you desire only to relieve the clergyman from the painful obligation of pronouncing these holy words and this blessing on those whom he supposes are not yet recovered or awakened from a state of deep guilt and sin, I humbly suggest to you the adoption of words which I will propose. If these are accepted, my noble Friend will agree to the Amendment of the clause, which, as so altered, will run thus:—

> "Provided always and be it enacted, that no priest or deacon shall be liable to any suit, penalty, or censure, for refusing to solemnize the marriage of any person whose adultery or crime has been the ground of the dissolution of any marriage."

Now, that will take in the case of the adulterer. Supposing the adultery is that of the wife, it will comprehend the wife and the adulterer, and neither the adulterer nor the adultress will have a right to demand the intervention of a clergyman for their remarriage. Then comes another consideration which my noble Friend desires, and I think with great reason and justice, should be regarded. It is that which was referred to by the hon. and learned Member for the Tower Hamlets (Mr. Ayrton). Suppose two persons apply to the rector of a populous parish in London requesting him to marry them, and he, knowing their relative positions, declines to do so; and suppose they say, "We have lived in your parish, and therefore must come to this parish church to be married; if you are unwilling to marry us there is another priest or deacon of the United Church who will do so, and therefore you must not refuse us the liberty of being married in the parish church." With these two qualifications, the latter of which I have not expressed, as it must be the subject of a well-worded proviso, it is the wish of my noble Friend to bow to the general wish of the Committee, if it is the general wish, and to give way to the feeling which is represented as being so general and prevalent among the clergy of the Established Church. From respect and out of deference and regard to them, and in the earnest hope—to which I may add my most sincere prayer—that this may not hereafter be the cause of evil or of dissension, but may lead to happy results instead of to the evil ones which it was anticipated would follow the refusal of the Government—in that hoping and trusting spirit this Amendment is now proposed by the Government.

MR. HENLEY said, he cordially joined in the expression of feeling which had been elicited by the manner in which the hon. and learned Gentleman had dealt with this grave and serious subject. He should hardly have risen were it not that he thought that the apprehensions of the hon. and learned Gentleman that this concession on the part of the Government might be a snare to the consciences of the clergy and might throw difficulties in the way of their performing many of the other ceremonies of the Church were not well founded. There was an essential difference between the cases to which the hon. and learned Attorney General had referred with respect to the performance of the burials and other services and that now under discussion. Every man who entered into the orders of the Church of England was obliged, before entering, to make himself well acquainted with the conditions upon which he was admitted, and therefore he had no right to complain that his conscience was affected by his having to perform any of the engagements which he undertook when he entered upon that solemn office. In this case, however, they were about to make a new law. Certainly there had from time to time been private Acts of Parliament—one, two, or three in a year—but they were now making a law of divorce, and while they were doing so they received a memorial from a vast number of clergymen stating that a strain was being put upon their consciences and requesting that it might be removed. The hon. and learned Gentleman himself must admit that between these cases there was a great gulf, and therefore, he (Mr. Henley) did not share in the hon. and learned Gentleman's apprehensions of future mischief. As to the case of a clergyman refusing to bury an unbaptized person, he was not aware that there was any law to compel him to perform the Burial Service in such a case. He did not know whether the Government wished the Committee to come to an immediate decision on the amended question. It would have been convenient if their determination had been announced a little earlier, but their proposition, from the spirit in which it was made, deserved every consideration, and he would beg leave to suggest that a short delay might greatly conduce to that most desirable result, an amicable settlement of this matter. He hardly knew what was the feeling of his hon. Friends near him, but, for his own part, he was quite ready to accept the first part of the proposal made by the hon. and learned Attorney General, and he was content to wait until the Report to decide the question of the use of the parish church, as referred to by the hon. and learned Member for the Tower Hamlets (Mr. Ayrton). The subject was one which required careful consideration, and, for his own part, he would be glad to accept the proposal of the Government, which went a great way towards removing some of the objections which were entertained to the Bill.

SIR WILLIAM HEATHCOTE said, that the hon. and learned Attorney General did not appear to him to take the same view which he had taken, and which was taken by the clergy, with regard to the difficulty under which they would be placed. The hon. and learned Gentleman had warned the Committee against opening a door which it would be difficult again to close, by giving the clergy the power of deciding whether they should in certain cases perform the rites of the Church, and he said that if they were allowed that power with regard to one ceremony of the Church they might assert a claim to exercise it with regard to others. Now, he saw no ground for any such apprehension. The position of the clergy, if the Amendment of the gallant Officer were agreed to, would be, not to inquire whether a person was too wicked to take part in a religious ceremonial, but simply to ascertain whether a certain fact had occurred. The word proposed to be added to the clause by the hon. and learned Attorney General introduced the very principle which he himself so strongly deprecated. According to those words a case like the following might occur:—An unmarried man might commit adultery with a married woman, and the husband of the woman might obtain a divorce. Suppose, then, that the man presented himself to be married according to the words proposed to be introduced by the hon. and learned Attorney General, the clergyman would use a certain amount of discretion as to the wickedness of the parties, instead of simply inquiring into the fact whether or not there had been a divorce. Now, that might be right or wrong, but it had been denounced by the hon. and learned Attorney General as a dangerous principle, and it was not the principle upon which the Amendment was founded. It appeared to him, therefore, that the words proposed to be added to the Amendment by the hon. and learned Attorney General would include the case of a man who had committed adultery, but who had never been divorced, and that they would give rise to great confusion.

Mr. WALPOLE said, he thought that according to the Amendment, and the words proposed to be added by the hon. and learned Attorney General, it would form no part of the duty of a clergyman to act upon what he had heard privately, or to use his private judgment, but all that he would have to look to would be whether there had been a sentence of divorce passed by the Court, and if there had been he would not be compelled to marry the parties.

The ATTORNEY GENERAL said, that in consequence of what had been said at the six o'clock sitting he would move an Amendment almost in the very words of the former Motion of the right hon. Gentleman the Member for the University of Cambridge.

"That no clergyman in holy orders of the United Church of England and Ireland shall be compelled to solemnize the marriage of any person whose former marriage may have been dissolved upon the ground of his or her adultery."

Major WARBURTON said, he did not think that the proposal of the hon. and learned Attorney General would satisfy the objection entertained by the great body of the members of the Church of England, but he would leave his Amendment in the hands of the Committee; and if it was their pleasure that it should be withdrawn, he would be prepared to withdraw it.

Mr. BERESFORD HOPE begged to suggest to the learned Attorney General the addition of the words, "during the lifetime of the innocent party."

Mr. CRAUFURD said that, by the late alterations in the law of marriage, marriage had been made a civil contract, and therefore, he could not see why any positive obligation should be imposed upon the clergy of solemnizing matrimony between any persons whatever.

Lord JOHN MANNERS said, he must express a hope that the Committee would not be called upon at once to decide upon the merits of an Amendment so important as that which was embodied in the proposition of the hon. and learned Attorney General.

Mr. WIGRAM asked, whether it was the intention of the hon. and learned Gentleman to take the sense of the House upon the proviso of which he had given notice in Committee, or upon the bringing up of the Report ? [The Attorney General : In Committee.] He wished also to suggest to the hon. and learned Gentleman the propriety of confining the use of the parish church under the operation of the proviso to parishioners alone, and of not allowing strangers to the parish to have access to it for the purpose of solemnization of marriage.

Mr. AYRTON said, he wished to say a few words by way of personal explanation with respect to a statement which he had made the previous day, to the effect that under our forms of ecclesiastical procedure the parties to a suit were examined upon oath, except in reference to the fact of adultery. The correctness of that statement had been denied, but he found that the authority of Dr. Lushington went to establish its accuracy. The hon. and learned Gentleman then read a passage from the recorded testimony of Dr. Lushington upon the subject in support of his assertion.

The House resumed. Committee report progress, to sit again this day at six o'clock.

MILITIA BILL.—CONSIDERATION.

Order for the consideration of the Bill, as amended, read,

Colonel NORTH said, he would take that occasion of calling the attention of the hon. Baronet the Under Secretary for War to the expediency of supplying the men belonging to the 7th Hussars and the Artillery, who were about immediately to embark for India, with a quantity of cotton, which they might during the course of the voyage employ themselves in converting into cap covers, instead of waiting to receive those necessary articles until their arrival in the East. There was always a number of tailors and "handy men" attached to each regiment, who could not, in his opinion, while at sea be better occupied than in making these covers.

Sir GEORGE GREY suggested that, as it was within a few minutes of four o'clock, the hon. and gallant Member had better postpone his observations to some future occasion, when the Under Secretary for War would be in a position to reply to them.

Bill to be read 3° *To-morrow.*

SERGEANTS' PENSIONS.—QUESTION.

SIR JOHN TRELAWNY said, he would beg to ask the Under Secretary at War whether arrangements have as yet been come to, in accordance with the assurance given to him at the commencement of the Session, for placing the pensions given to sergeants upon the same footing as the privates in the army.

SIR JOHN RAMSDEN said, that in accordance with the promise he had given the case of the sergeants to which the hon. Baronet alluded was immediately and maturely considered, and his noble Friend at the head of the War Department was very anxious to meet the views which had been expressed upon the subject, but it was found that there were objections to apply the same rules to the sergeants as were applied to the privates, because, by bringing them under the warrant by which good conduct pay was awarded to privates, the sergeants would be brought under certain regulations as to forfeiture of pay which ought not to be applied to non-commissioned officers holding that high and responsible position. Although nothing was definitely settled, there was a proposition under consideration for obtaining the same object by different means.

CLOTHING OF TROOPS FOR INDIA.
QUESTION.

MR. STAFFORD said, he would beg to ask the Under Secretary for War a question as to two branches of the arrangements with respect to troops going to India, both of which have created considerable anxiety in the public mind. The hon. Gentleman was supposed to have stated, in answer to a previous question, that the troops had taken a supply of suitable clothing with them, but he subsequently modified the statement by saying the cool clothing would meet them on their arrival at Calcutta. It was also rumoured that the troops were separated from the medical comforts and drugs which ought to attend them on the voyage. He wished, therefore, to ask whether the War Office have made arrangements for a supply of cool clothing during the voyage, and whether there is any truth in the report that the medical comforts and drugs were to be sent by ships not sailing at the same time or going in company with the ships conveying the troops to Calcutta.

SIR JOHN RAMSDEN said, he was very sorry to find that the answer which he gave to a question put to him by the hon. Member for Evesham (Sir H. Willoughby) on a former occasion was not quite clear. He understood that question to be, what provision was made of cool clothing for the troops in India, and therefore in his answer he did not intend to touch upon the question whether the clothes would go out with the troops or be found on their arrival there. He did not think the question put to him embraced that point, and thus his reply gave rise to a misunderstanding which he regretted. With regard to clothing for the voyage, by a regulation at present in force soldiers ordered to a foreign station received an advance of three months' pay. Out of that advance certain articles called "sea necessaries" were provided by the commanding officers, the total cost of which amounted to rather more than £2, and the balance of the pay was handed over to the commanding officer to be expended in any articles which might conduce to the soldier's comfort on the voyage. He might also add that from inquiries which he had made at the India Board, he was able to state that whenever a transport was taken up by the East India Company, the owner of the transport entered into a contract to provide sufficient awnings to spread over the deck of the vessel, so as to protect the troops from the heat of the sun. With regard to the report that the medical comforts were separated from the soldiers on the voyage, he had the authority of the Director General of the Army Medical Department for saying that in every case the medical comforts and medicines went in the same ship as the troops.

COMPENSATION FOR THE SUFFERERS BY THE INDIAN MUTINY.
QUESTION.

MR. DISRAELI: Sir, as we are not to be favoured this year with a statement upon the affairs of India, I must trouble the right hon. Gentleman at the head of the India Board with an inquiry which I should have deferred to that occasion if this year it were to be offered to us. My question has regard to the great losses of property incurred by British subjects during the recent tumults in India. I wish to know whether it is the intention of Her

Majesty's Government to propose any compensation for those who were placed in such unfortunate circumstances.

Mr. VERNON SMITH: I may say, Sir, that there is under the consideration of the Court of Directors a scheme for affording compensation to the sufferers by the recent unfortunate events in India. That scheme has not been as yet matured, but as soon as ever it is brought before me, I need, I believe, hardly assure the right hon. Gentleman and the House that it will receive every possible consideration at my hands.

COMMERCIAL RELATIONS WITH THE PORTE.—QUESTION.

Mr. HADFIELD said, he would beg to ask the First Lord of the Treasury whether (under 14th protocol, page 59 of Conferences of the Plenipotentiaries of Paris, 1856, relative to the Treaty of Peace) there has been a revision of the stipulations which regulate the commercial relations of the Porte with other Powers, or in the position of Foreigners resident in Turkey; and whether (agreeably to the recorded wish of the Plenipotentiaries) a deliberation has been opened at Constantinople since the conclusion of Peace between the Porte and the Representatives of other Powers, with the view of attaining the twofold object in such a manner as to afford entire satisfaction to all legitimate interests; and, if there has been no such revision and deliberation, whether this Country, in its commercial relations with the Porte, ranks amongst the most favoured nations in all commercial transactions, the residence of British Subjects in Turkey, fiscal and other Duties; and whether any beneficial or other change has taken place since the commencement of the War with Russia, or is intended; and are negotiations in progress to facilitate the commerce of this Country with Turkey?

Viscount PALMERSTON: It is quite true, Sir, that according to the agreement come to in Paris, there were to be steps taken by the Representatives of the different European Powers with the view of arranging more equitable, or, at least, more equal and more favourable conditions of commerce with Turkey; but the hon. Gentleman must be aware that from the time the Treaty of Paris was signed and ratified down to the present moment there have been a number of questions pending upon which the different parties to that Treaty have entertained differences of opinion. Some of those questions are still unsettled and under discussion. It therefore appeared to all parties premature to enter, at Constantinople, upon a course of communications which could not be carried to a satisfactory result, unless all the parties who shared in them should come to the negotiations without any difference of opinion upon other matters of considerable importance; nothing, therefore, has yet been done. Whenever the questions to which I have alluded shall have been satisfactorily and finally settled, then will begin those deliberations to which the hon. Gentleman has referred. In the meantime our commercial relations with Turkey rest upon the Treaty of 1838. No change has been made either during the war or in consequence of the war, and I am bound to say that, looking to the amount of the duties payable upon the imports and exports in our commerce with Turkey, the conditions of our commercial relations with that country may be fairly compared with those of any other nation. The conditions of our commerce with Turkey, in point of duties, are more favourable than those of our commerce with almost any other State with which we have commercial transactions.

Mr. HADFIELD said, he wished to know whether we stood on equal terms with Austria or Russia?

Viscount PALMERSTON: I am not prepared off-hand to state what are the comparative stipulations of Treaties, but my impression is that, as far as commercial transactions go, we stand upon an equal footing with either Austria or Russia.

THE MILITIA BILL.—QUESTION.

Mr. STAFFORD said, he would beg to ask the noble Lord at the head of the Government when he intended to take the next stage of the Militia Bill? He might state that in a private conversation yesterday, the noble Lord told him that the Militia Bill would not be proceeded with last night. The conclusion he drew was, that the Government meant to make some other alterations in the Bill. What was his surprise to find that after he had left the House the Bill was passed through that stage at which he had given notice to the hon. Baronet the Under Secretary for War of his intention to make some remarks upon certain points connected with our military arrangements. Now he thought the noble Lord had been guilty of something like sharp practice. (*Cries of* "Order.") Very well, he would move, to put himself in order, that the House do now adjourn. He had given notice to the Under Secretary for War that at the next stage of the Militia Bill he would not oppose the Bill or put himself in a hostile attitude towards the Government, but only ask certain questions with respect to our military preparations, which he thought ought to be answered, and which, if answered, might remove an erroneous impression created in the public mind by Ministerial statements. Perhaps the noble Lord at the head of the Government would state to the House why, after what he stated in private conversation yesterday, he had advanced the Bill a stage at a time when nobody expected it to come on, and also whether during the short period that remained of the Session—if he might presume that the Session was near its close after the additional entanglement and increased confusion which the debate of that morning had brought upon the Divorce Bill—he would give hon. Members an opportunity of eliciting from the Government some explanations with respect to our preparations for the war in the East. Several hon. and gallant Members, who were entitled to be heard, wished to address the House upon that subject, while he himself desired to call attention to the statement of the hon. and gallant Member for Westminster (Sir De L. Evans) that there were difficulties in the way of recruiting. Now he was prepared to combat that statement, and to concur with the noble Lord at the head of the Government in saying, that after the gathering in of the crops men would be got without difficulty. The conduct of the Government with regard to the pensions they had given to our Crimean heroes, coupled with their assurances that every attention would be paid to the comfort of the troops, and with the known disposition of the noble Viscount to deal justly and kindly with the private soldier, could not fail to induce landed proprietors and other gentlemen of influence in the agricultural districts to promote enlistment by every means in their power, and thereby further the purposes of Government. He ventured to submit, however, that if the price of a soldier landed in Calcutta was a matter of great importance—if, as the noble Lord the Secretary for War stated the other day in the House of Lords, the pick of our army had been sent to India to be exposed not merely to the attacks of an enemy, but to the trials of an unhealthy climate, the organ of the War Office in that House should take some opportunity —and no better opportunity could be afforded than the next stage of the Militia Bill—of stating authoritatively and definitely what arrangements had been made for securing the comfort of our troops, what improvements had been suggested by our fatal experience in the Crimea, and what modifications and changes had been introduced into the medical department of the army. What he now wished to ask the noble Lord was, why he had advanced the Militia Bill a stage at a time when he promised not to proceed with it, and whether he would give hon. Members an opportunity of expressing their opinions upon the various points which he had just indicated?

Lord ADOLPHUS VANE-TEMPEST said, he had no desire to go into the discussion upon the Militia Bill at that moment. He simply rose to testify that last night he received a private intimation from the hon. Baronet (Sir J. Ramsden) in reply to a question from him (Lord A. Vane-Tempest), that the Bill could not be proceeded with as yet. What was his astonishment, however, to find that at five minutes to four o'clock at the morning sitting, the Bill was "reported," at a moment when there was no one in the House but the hon. Baronet. He would submit whether it was in accordance with the proper mode of conducting their proceedings to advance so important a Bill under such circumstances?

Viscount PALMERSTON said, he was sorry to dispel the illusion which appeared to prevail in the mind of the hon. Member for North Northamptonshire that he was in order when he moved the adjournment of the House, and thereupon made a speech about the Militia. According to the strict forms of the House, which the hon. Gentleman was so anxious should be adhered to, he ought to have confined his observations to giving reasons for the adjournment of the House. Quitting that point, however, he (Viscount Palmerston) would say that he regretted that the hon. Gentleman had been deprived, through a misconception or inadvertence, of an opportunity of stating his opinion upon military matters in general upon that particular stage of the Militia Bill. The hon. Gentleman had asked him last night whether the Militia Bill would be taken that evening, to which he replied that it would not, as there was one point connected with it which he wished to examine. He was not sure whether or not he gave the hon. Gentleman to understand that the Report would be taken in the morning or the evening, but it was down on the Orders of that morning, as every one could have seen. The Report was brought up in the usual manner of unopposed business after the discussion upon the Divorce Bill had been suspended, at a quarter to four o'clock. However, as the hon. Gentleman and the noble Lord had appeared to desire an opportunity of addressing the House at large upon matters connected with our military affairs, he would take care that the Third Reading of the Bill should be fixed for a time when that opportunity could be afforded.

LORD ADOLPHUS VANE-TEMPEST: On what day will the Third Reading come on?

VISCOUNT PALMERSTON: I should think Thursday.

Motion, by leave, *withdrawn.*

THE ROYAL MAIL STEAM PACKET AND EUROPEAN AND AUSTRALIAN MAIL COMPANY.—QUESTION

MR. MACARTNEY said, he would beg to ask the Secretary to the Treasury whether, previous to the 8th day of July last (upon which day a paper was issued by the directors of the Royal Mail Steam Packet Company to their shareholders, headed "Proposed Amalgamation of the Royal Mail Steam Packet Company and the European and Australian Royal Mail Company") any communication or proposition was made to either of said companies, directly or indirectly, by the Treasury, that in case of amalgamation the existing contracts to these companies would be further extended for two years; and if not whether such a proposition (originating with one or both companies) was submitted to him at any time previous or subsequent to such document being circulated; and if so, whether any decision has been come to thereon?

MR. WILSON said, it was at all times an exceedingly inconvenient practice for hon. Members of that House to make partisan Motions with reference to companies out of doors, and to put questions to the Government which were founded on no public motives, and only bearing on the interests of private companies; it was making Parliament a vehicle for the rivalry of companies out of doors, which ought not to be done, and he hoped the House would support him if he declined to answer questions of that description. Again, repeated Motions were made for returns at the instance of company against company, which filled the table with Returns which were of no public interest. He had no wish to withhold information, and he had no objection to answer the question of the hon. Gentleman, but he hoped that this sort of questioning would be discouraged by the House. The hon. Gentleman asked whether, previous to an agreement for an amalgamation of the Royal Mail Steam Packet Company and the European and Australian Royal Mail Company, any communication or proposition was made to either of the two companies by the Government. No such proposition had come before him officially; and all he knew was, that the two companies did send in a proposition on the subject of some contracts, and he was told that a Report had been made on the subject to the Admiralty, which would come before the Treasury to be considered, and when it did come before them it would be considered with reference to the public interests, and not with reference to the interests of one company or the other.

MR. MACARTNEY, in explanation, said the hon. Gentleman having imputed to him partisanship in putting this question on behalf of the companies, he must beg to say that every step he had taken in reference to the subject of Australian postal communication was taken with reference to the public interests, and he returned with scorn the imputation that he had done so from private motives.

MR. WILSON said, he did not mean to cast any imputation of partisanship on the hon. Gentleman in putting this question, and he was sorry if he had been supposed to do so; but he had only wished to point out the inconvenience of putting questions affecting private interests alone.

THE COMMISSION ON PURCHASE IN THE ARMY.—QUESTION.

MR. RIDLEY said, he would beg to ask the Under Secretary for War whether he had received from the Members of the Commission appointed to inquire into the system of Purchase in the Army, who have not appended their names to the Report, any reasons for their having declined to do so?

SIR JOHN RAMSDEN said, the hon. Gentleman was correct in saying that the names of all the Commissioners were not appended to the Report. A communication had been made to the Secretary for War by one of the Commissioners, the right hon. Gentleman the Member for Coventry (Mr. Ellice) stating his inability to agree to the recommendations in the Report and his intention to state his reasons in a separate paper. When that paper was received it would be laid on the table.

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee. Mr. FITZROY in the Chair.

Clause 53 (Parties at liberty to marry again).

THE ATTORNEY GENERAL said, he would propose the following Amendment, to the proposed Amendment of the hon. and gallant Member for Harwich.

Amendment proposed to the said proposed Amendment:

By leaving out all the words after the words "Provided always," and inserting the words, "That no clergyman in holy orders, of the United Church of England and Ireland, shall be compelled to solemnize the marriage of any person whose former marriage may have been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty, or censure for solemnizing, or refusing to solemnize, the marriage of any such person," instead thereof.

MR. SEYMOUR FITZGERALD said, he was inclined in the main to agree with the views so ably and temperately urged by the hon. and learned Attorney General in the course of the morning sitting. The result of the Amendments before the House might be, as the hon. and learned Attorney General had said, to confer a fatal gift on the Church, which, instead of bringing about peace, might encourage that spirit of disunion and dissension, which had manifested itself of late years in the Church; but, at the same time, it was impossible for that House to pass by without notice the memorial of the clergy. Of the two Amendments he preferred that of the hon. and learned Attorney General. The Amendment of the hon. and gallant Member for Harwich (Major Warburton) was a most dangerous Amendment. It proceeded upon the ground that marriage was indissoluble; but this Bill laid it down that marriage was dissoluble, and it would be a strange inconsistency to allow a certain portion of the community to refuse obedience to the law which was to bind all the rest on the ground that, in their opinion, it was founded on a mistaken principle. It would be completely opposed to the general feeling of the community to enact that the innocent persons who had been divorced should be deprived of a right which the law conferred upon them, simply because a certain body of men thought the law to be wrong. Suppose that a man of irreproachable character, who had had the misfortune to be divorced from his wife, should after that divorce be desirous of contracting marriage with a young girl to whom he was attached, and who regarded him as a fit and proper person to become her husband, would Parliament authorise the clergy to refuse to that young girl the solemn rites of the Church, which she had always been accustomed to regard with reverence? Holding these views, it might be supposed that he was for maintaining the clause in its strictness, but for the sake of peace, and out of respect for the conscientious convictions of that numerous body of the clergy who had signed the declaration, he could not refuse to make a concession. But this Amendment went further than the clergy themselves asked Parliament to go, for it was a matter of notoriety that the majority of those who signed the declaration expressed themselves in reference to the text in Scripture which condemned the remarriage of a divorced woman as adultery. The Amendment proceeded upon the ground of the indissolubility of marriage, for which the clergy themselves did not contend. He hoped the Committee would not adopt the Amendment of the hon. and gallant Member for Harwich (Major Warburton), proceeding as it did upon a principle which he regarded as most dangerous and utterly untenable; but that, taking into consideration the memorial of the clergy, they would consent to the Amendment of the hon. and learned Attorney General, which was limited strictly to the case of guilty parties.

MR. KNATCHBULL-HUGESSEN said, that although compromises with reference to matters of detail were often exceedingly convenient, compromises of principle were not equally advantageous, and it appeared to him that the Amendment proposed by the hon. and learned Attorney General was essentially a compromise of principle. He could perfectly understand, though he did not sympathise with, a man who said, "The clergy should be the mere machines of the State, and as such should obey the law; they should have no discretion whatever, and we should not regard their conscientious scruples;" but he could not understand the man who said, "Your conscientious scruples are founded upon your belief that the law of your Church prescribes a certain course of conduct; I will attend to those scruples, and let you keep one-half that law, but the other half you must break." He did not himself believe in the indissolubility of marriage, but he did not think it necessary to urge that question at the present moment, as he did think it requisite to hold that principle to be able to support the Amendment of the hon. and gallant Gentleman. All he would say was, that if a large number of the clergy believed in the indissolubility of marriage he, for one, would not require them to do violence to their consciences. He regarded the question as essentially one of religious liberty. His hon. and gallant Friend who proposed the Amendment had appealed for support to hon. Gentlemen on that (the Ministerial) side on principles of religious liberty, and in that appeal he (Mr. Hugessen) joined. If professions were to be believed, religious liberty ought to be peculiarly dear to hon. Members on that (the Ministerial) side of the House; and he hoped that before depriving the clergy of rights, which they would not dream of denying to a body of Dissenting ministers, those hon. Gentlemen would consider whether the imputations of bigotry and intolerance, which they sometimes cast upon hon. Gentlemen opposite, might not be equally applicable to themselves. If they were to yield at all to the conscientious scruples of the clergy, as he thought they ought to do, they could not do it by halves. It was a most important question whether the clergy of the Established Church were to be the mere machines of the State—hewers of wood and drawers of water—or whether the Church of England was something more than a mere dead, dry appendage of the State. He would not accept the definition of the clergy as mere hewers of wood and drawers of water, and he demanded for them the same rights of conscience which were conceded to Dissenting ministers. For his own part, he would have preferred to the Amendment of his hon. and gallant Friend the suggestion of the right hon. Member for Oxford University (Mr. Gladstone), leaving it to the Church to determine whether the religious ceremony should be performed or not. They had been told that a large number of those clergymen who had petitioned for relief did not hold the indissolubility of marriage, but were only unwilling to perform the ceremony in the case of guilty parties; and therefore divorced persons would still possess considerable facilities for obtaining marriage according to the rites of the Church. He would cordially support the Amendment of his hon. and gallant Friend.

Mr. HADFIELD said, he wished the clergy to possess the fullest liberty with regard to religious principles, and the only condition he required was that they should leave the Church. The clergy, however, were but the servants of the State, and so long as they remained in the Church they must obey the orders of the State. A pretty condition the Church would be in if all the conscientious scruples of the clergy were allowed! What was that which was called the Reformation? Why, was it not occasioned by a desire on the part of Henry VIII. to effect a divorce from his wife? And as the Catholic Church could not conscientiously conform to the wishes of the Monarch, the great body of his clergy turned round and became Protestants. At the command of Henry's eldest daughter they turned back and became Catholics, and subsequently the second daughter issued her command, and the clergy turned back again, and became sound Protestants. If the request of the 9,000 clergymen who objected to the Bill was acceded to, the knell of the Church would be rung, for its uniformity would no longer exist. In 1662 some 2,000 clergymen seceded from the Church rather than subscribe to the Act of Uniformity? and why could not clergymen who entertained conscientious scruples, in certain cases, to the performance of a ceremony which they were required to perform, imitate that example, and enjoy all the freedom of free men in England? They were commencing a new system, and were proposing to give rights within the Church inconsistent with the character of that institution; therefore he should be glad to see some compromise settled among themselves, but he stood by the State, and said if the clergymen accepted appointments under the State they must adopt the creed of the State, and must not think for themselves, as the Parliament took on itself the duty of thinking for them.

Sir FRANCIS BARING said, he was not surprised at the observations of the hon. Gentleman, for it rarely happened that the name of the Church or of a Bishop was mentioned in that House that he did not take the opportunity of showing what a love he had for religious freedom. However, passing by his observations, he would advert to the proposition before the House. He could perfectly understand the great difficulty which the hon. and learned Attorney General and the Government must have felt when they had to deal with this question. It was, no doubt, a grave inconvenience that Parliament should enact a law in one clause, and should enact in a subsequent clause that a large body of clergy should be authorised not to fulfil the law; but there was another grave inconvenience, arising out of the fact that a large body of most respectable persons felt conscientious objections to solemnize a particular marriage, which Parliament declared was to be performed. Under these circumstances he thought, having regard a little to the lesson which had been taught in a neighbouring country, in consequence of insisting too strictly on the law, and not leaving enough to men's consciences, that the hon. and learned Gentleman had taken a wise course in yielding to the opinions of the clergy; but he did not understand why the Government stopped short, and why they only proposed to satisfy one-half instead of the whole of these conscientious objectors. By the concession they had made they had abandoned their strong ground—the necessity of carrying the law into force, and therefore he could not understand why the Government did not attempt to satisfy the scruples of those of the clergy who objected to perform the ceremony of remarriage because they considered marriage indissoluble, as well as the scruples of those who only objected to remarry the guilty parties? He himself shared in none of these objections; but the question was whether they would enforce the performance of the ceremony of remarriage upon those who deemed such remarriage contrary to the law of God. There seemed to be no advantage in the course proposed by the hon. and learned Attorney General, for on the one hand it did not exhibit firmness in refusing to yield to what might be represented as prejudice, and on the other it did not get rid of the grave difficulty involved in compelling persons to perform what they considered to be inconsistent with their duty to a higher Power than Parliament.

Question put, "That the words, And be it enacted that no 'Priest or Deacon,' stand part of the proposed Amendment."

The Committee *divided*:—Ayes 56; Noes 77: Majority 21.

Mr. CRAUFURD said, he would now move the omission from the Amendment of the Attorney General of the words, "whose former marriage might have been dissolved on the ground of his or her adultery." Having admitted the principle that marriage was a civil contract, the Legislature, he contended, ought to regard it purely as such, and ought not to punish anybody for refusing to celebrate the religious ceremony.

Amendment proposed to the proposed Amendment, To leave out the words, "whose former marriage may have been dissolved on the ground of his or her adultery."

Mr. WILLIAM EWART said, he should oppose the Amendment, as he was content to accept the clause as it now stood.

Sir DENHAM NORREYS remarked, that by this clause they were putting the clergy above the power of the State. He thought this was one of the most dangerous principles, both as respected the Church and morality. Parliament gave law to the Church—and he thought it was monstrous that any body of men, who ought to be subservient to the House, should be allowed to refuse to many persons whom Parliament had said ought to be allowed to marry, and thus deprive those persons of the sanction of religion to their union, which was one of the best guarantees for the purity of their future lives.

Question, "That those words stand part of the proposed Amendment, put, and *agreed to.*

Proposed Amendment made.

Mr. WIGRAM said, he rose to move the addition of the following Proviso:

> "Provided that nothing in this Act contained shall enable any person whose marriage shall have been dissolved on the ground of his or her adultery, to contract marriage with any person with whom he or she shall, by the sentence dissolving the marriage, be found and declared to have committed adultery."

The clause, as he had read it, was substantially and almost in words the same as the Scotch law, and he thought that circumstance was a reason to recommend it to the attention of the Committee, because nothing could be more undesirable than that in any two provinces of the empire there should be a different law of divorce. The Proviso was also in consonance with law on this subject in France and several other continental countries. He wished to remind the Committee that the wife might be seduced by the paramour holding out that temptation of marriage which may be the very ground of his attempts upon her virtue being successful. It was said the other evening that the practicability of a man marrying a wife whom he was attempting to seduce would be a safeguard against such attempts being made, because he would be afterwards bound in honour to marry her. That reason would have very great weight if in these cases they had prudent and honourable men to deal with. But in such cases they had neither prudent nor honourable men to deal with, and the man who could be guilty of seducing the wife of his neighbour would not shrink from violating those feelings of honour which ought to prompt him to offer marriage to the woman he had seduced. But the broad ground upon which he (Mr. Wigram) put the question was, that marriages of this character were a scandal to society. He thought the effect of such marriages must be that of holding out a gross and immoral example to the community. The spectacle of a man who had succeeded in robbing his neighbour of the most valuable treasure he possessed being allowed by the law of the land to enjoy the fruits of his robbery, was such a scandal to the community, and to morality, that he thought marriages of this sort should be absolutely prohibited. In the law of France it was laid down by the First Consul that "legislation must be immoral which permits a wife guilty of adultery to go and live with her seducer." He (Mr. Wigram) thought that was a broad sound view of the case, which ought to be adopted upon the grounds of morality, and for the good of society; and taking that broad view of the case, he should move the introduction of the Proviso which he had read.

Another Amendment proposed at the end of the last Amendment, To add the words:

"Provided also that nothing in this Act contained shall enable any person whose marriage shall have been dissolved on the ground of his or her adultery, to contract marriage with any person with whom he or she shall by the sentence dissolving the marriage be found and declared to have committed adultery."

Mr. Wigram

Mr. D. GRIFFITH remarked, that he did not think any hon. Gentleman in that House would hesitate as to the course he should pursue in such a case; they would feel bound to repair, as far as possible, the evils they had done; and he did not think that they should legislate in opposition to the feelings of mankind.

Lord JOHN MANNERS said, he should support the Amendment because he thought it would to a certain extent diminish the scandal which a Bill giving great facilities for obtaining divorce was calculated to create. Within the last forty-eight hours they had declared that this great crime was not to be treated as a crime, and was not even to be punished by a fine; and the Amendment of his hon. and learned Friend was at least a step in the right direction, and had, at any rate, a tendency to counteract evils which the Bill would otherwise cause.

The ATTORNEY GENERAL said, that every consideration of morality and humanity compelled him to resist this Amendment. This was no new question. In 1809 the Archbishop of Canterbury stated that if the remarriage of the guilty parties was opposed to religion and morality the prelates of the Church ought to protest in the case of every Divorce Bill against the insertion of a clause enabling them to remarry. The House of Lords had uniformly allowed the guilty parties to marry except in one instance—namely, that of Dr. Campbell, who had been guilty of incestuous adultery, when the prohibitory clause was retained in the Bill. That clause was, however, subsequently expunged by the House of Commons. In 1809, the case of a clergyman who had seduced the wife of one of his parishioners and carried on an adulterous intercourse with her, was discussed at great length in the Upper House; and in the Divorce Bill a clause was introduced forbidding the seducer to marry his victim. Yet even in that aggravated case, the House of Lords, after a full debate, determined that the only reparation that could be made to society was to place the adulterer under the obligation of contracting a marriage with the adultress. If the guilty parties could not intermarry, the adulterer must either adopt the heartless and inhuman course of throwing his victim upon the world, or live with her in a state of concubinage. One of these results must follow, and surely it could not be said that either of them was conducive to the interests of morality. The Committee ought, therefore, not to reverse the rule upon which the House had consistently acted for a period little short of a century, but should recognise the practical good sense of the observation of the hon. Gentleman below the gangway (Mr. Griffiths), namely, that the only atonement which the man who had committed the crime of adultery could make to his victim, or to society, was to marry the woman he had seduced. It was to be hoped that the hon. and learned Gentleman would not persevere in his Amendment.

Sir WILLIAM HEATHCOTE said, that the object of the Amendment was to discourage adultery, and it had the sanction of the law of Scotland, of France, and of Austria, which prohibited the guilty parties from intermarrying. The question was, whether society would not be more effectually protected by allowing those who had grievously offended against its laws to suffer the consequences of their own crime.

Mr. BOVILL said, he thought there was little hope of carrying any Amendment which the Government was determined to resist. At the same time the Committee ought to have another opportunity of protesting against this clause. It would be a direct encouragement to adultery if the Legislature laid it down as an inflexible rule that under all circumstances the guilty parties might reckon upon being permitted to intermarry. Under the present law no man or woman could count with certainty upon being enabled to marry if they committed adultery. They knew that the House of Lords would exercise a discretion in the matter. Take the case of incestuous adultery with a wife's sister; the Bill, as it stood, without any prohibition of any kind, would sanction intermarriage in the very instances where it had been forbidden. The original marriage being dissolved the parties were to be allowed to marry again; and the wife's sister having committed adultery, the wife's sister and the husband might intermarry.

Mr. CLAY said, he should oppose the Amendment. It had been argued that the law permitting the guilty parties to marry would promote immorality. Now, he thought it was to women they ought chiefly to look in these matters; for his own part he cared not what became of her cold-blooded seducer, who in such cases generally acted from premeditation. He firmly believed that an erring woman never calculated, before her first crime, upon the possibility of marriage with her seducer; but that on the contrary if, at the moment she was about to sin, she was reminded that thereby she would lose her husband, disgrace her children, and be stigmatized in society, the crime would in most cases be prevented. In cases of adultery nine-tenths of the crime was by the man, and nine-tenths of the suffering was sustained by the woman. Men had been obliged to adopt a code of honour in the place of law, and by that code the man was compelled to afford the woman he had seduced the best reparation in his power by marrying her. To pass the Amendment then would be a great boon to the seducer, who could no longer make this reparation, however excellent and repentant her subsequent conduct might be, nor allow her to obliterate, in any way, the deep stain inflicted upon her honour.

Mr. AYRTON said, he would beg to remind the hon. and learned Member (Mr. Bovill) that the clause declared that the divorced parties might marry again "as if the prior marriage had been dissolved by death." In the case of incestuous adultery, to which the hon. and learned Gentleman had referred, the parties could not therefore marry again.

Question, That those words be there added, put, and *negatived.*

Upon the Question, that the clause, as amended, stand part of the Bill,

Mr. WALPOLE said, he would beg to express his hope and belief that the clause, as amended, would give general satisfaction. All the information he received led him to the conclusion that the great objection on the part of the clergy was to any clause compelling them to marry the guilty parties. He hoped he was entitled to say, on behalf of the clergy, that the representations which they had made to the House were of the most respectful kind. They had only stated that which they felt they were bound in the performance of a religious duty to make known to the House, and had they not done that they would have laboured under the conviction that they had acted wrongly. From what he had heard of the feeling of the clergy throughout the country, he thought he might say that the manner in which the hon. and learned Gentleman (the Attorney General) had conducted the discussion that day, and the concession contained in the Amendment which he had introduced that evening, would meet with their consideration and their gratitude.

SIR WILLIAM HEATHCOTE remarked, that he would not have said a word on this subject only for the observations just made by his right hon. Friend the Member for the University of Cambridge; but the intelligence which had reached his right hon. Friend from the clergy was very different from that which he (Sir W. Heathcote) had received. He was sure that every clergyman in the Church would be ready to give the Government credit for doing what it thought right; but his experience of the feelings of the clergy on the subject now under discussion, warranted him, he thought, in denying that the concession made by the Government that evening, did dispose of the difficulty under which the majority of those whom he had communicated with were labouring. As his right hon. Friend the Member for Portsmouth (Sir F. Baring) had said, that concession only met half the case. There was a certain portion of the clergy who were satisfied with not being compelled to marry the guilty party; but there were many others who believed that their sacred obligations prohibited them from marrying a divorced person, so long as the person from whom he or she was divorced was still alive. It was obvious that the concession of the Government did not meet that case at all. It might appear ungracious in him to make these observations, as the Government had expressed their desire to conciliate the clergy; but the communications received by his right hon. Friend (Mr. Walpole) being at variance with those which had reached him, he was bound to tell the Government that they must not be under the impression that they had conciliated to themselves all those feelings of clerical opposition by the concession which they had that evening made.

MR. HADFIELD said, that after Oxford and Cambridge had expressed opinions so adverse, the Government might see what was coming. If the representatives for the two Universities expressed such different views, what must they expect from the 9,000 clergymen who had signed the declaration? He could assure the right hon. Member for Portsmouth (Sir F. Baring), that he had as large an interest in the religious prosperity of the country as the right hon. Gentleman himself, and the motive that influenced him was the firm conviction that if they swept away

these human institutions a degree of religious prosperity, such as this country never before enjoyed, would be the result.

MR. MALINS remarked, that he was very gratified to hear the statement of his right hon. Friend the Member for the University of Cambridge. What he (Mr. Malins) had understood to be the feeling of the clergy, by the document which they themselves had drawn up, was that they did not wish to marry the guilty party divorced for adultery; but he did not understand the great body of the clergy as wishing to put their scruples to the extent of depriving those who were subjected to the greatest of human misfortunes—namely, a divorce in a case where they were the innocent party—of an opportunity of marrying again. He certainly did not understand it to be the feeling of the clergy that innocent and wronged parties, like those who were parties in a suit for a divorce, but had not committed the adultery, should be for ever debarred from presenting themselves at their parish church in order to be married to another party. He trusted that the clergy would take this view of the matter, that the conclusion which the House had arrived at on the point was the result of mature deliberation; and he further trusted that under those circumstances the opinion of the majority would be satisfactory to the country.

MR. HENLEY said, he had not the advantage of such communication as that enjoyed by his right hon. Friend, and therefore could give no opinion, as to what was the feeling of the majority of the clergy upon this subject; but he was certain that the threatened interference with the parish churches would create great and general discontent among them. He therefore hoped that the Government would not press the provision upon that subject which was sketched out by the hon. and learned Attorney General.

MR. D. GRIFFITH noticed the fact that the Amendment moved by the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) was not that which he placed upon the paper on the 7th of August.

MR. WIGRAM stated that it was at the suggestion of himself and others that his right hon. Friend altered the terms of his Motion. He would take this opportunity of stating that he had abstained from dividing the Committee upon his Amendment solely in order to save time.

Clause *agreed to*.

Clause 54 (No Action for Criminal Conversation).

MR. BUTT said, that this was a question which he thought was not necessarily connected with this Bill, and which was of sufficient importance to have been considered separately. The action for criminal conversation had been the scourge of adultery, and he thought that very few persons would be willing to abolish this action without some substitute being provided for it. But, as the Bill now stood, no substitute whatever was suggested. He would remind the House of this danger. If they proposed to abolish the action for *crim. con.*, they had no evidence whatever of the intentions of the House of Lords, and they had no security that any substitute would ultimately be provided. The opinions of a learned Judge who was engaged in the administration of the law had been cited. With all respect for that learned person, he (Mr. Butt) thought that no magistrate, however high might be his rank and character, who was engaged in the administration of the law, ought to deliver his opinion upon the existing state of the law; but, whether or not, the House of Commons were not to be influenced by such opinions. He believed, moreover, that that learned Judge's opinions on the subject were not shared by all his learned brethren. He had been told in the first place that it was disgraceful for a man to recover damages in an action of *crim. con.*; but was it not equally disgraceful to recover damages in an action of seduction, or of assault, or slander? and yet were the Committee prepared to abolish these actions, and without providing any substitute for them? The fact was, that in these cases a man was not trading in his wife's or daughter's dishonour, or trafficking in personal injuries or in loss of character, but he was asking the opinion of twelve of his countrymen as to what his conduct under the circumstances of the case had been; and the pecuniary recompense, if any, was a measure of his moral triumph. Again, it had been said that it was very unjust that a woman should be tried, as she virtually was, by this action without the right of being heard. Perhaps this acknowledged defect in the action might be remedied; but were there no other cases of a similar kind? Suppose a man brought an action against a newspaper for a libel in having accused him of adultery with a certain woman, and the newspaper were to plead justification, would the woman be heard in such a case? The rule was universal that, where one man had a claim against another, he could make that claim without necessarily bringing other parties before the Court. It had been further objected that disclosures were made which were injurious to public morality. But, surely, the evil would be as great under the new system, where every case of adultery was to be tried in open court. Or were the promoters of the Bill prepared to have every cause of divorce tried in secret? Whatever fantastic squeamishness—he could call it nothing else—certain people might have upon this subject, who were unwilling to believe that any evil existed in this world, as though, because they were virtuous, there were to be no more cakes and ale—he thought that the interests of justice, and even of morality itself, were advanced by this publicity. He had heard it said of other clauses in the Bill that they would afford a licence for adultery; but if it were said to the man who had been called the cold-blooded and calculating seducer, that in many cases he need no longer fear exposure or being compelled to pay heavy damages, that would indeed be giving a license to him which might strike deeply at the sanctity of the marriage vow. As the Bill came down from the Lords they were in this position—they enacted that no one should have a remedy unless he first obtained a divorce; and they created a most expensive Court and procedure for the purpose of giving him that divorce. In point of fact, they shut out the greater part of the middle and the whole of the humbler classes from any remedy whatever. They all remembered the irony of the Judge who, when sentencing a man for bigamy, said, "You ought to have brought an action for criminal conversation; then you ought to have promoted a suit in the Ecclesiastical Court for a divorce *a mensâ et thoro*; then you ought to have presented a private Bill for a divorce *a vinculo* to the House of Lords; and then, when you had done all this, you might have lawfully married again. It is true that this would have cost you £1,500, and that you very likely had not got the money, but I cannot accept that as an excuse." No doubt that was a severe sarcasm, though perhaps not altogether becoming a Court of justice; but what would have to be said if the Bill passed? "There is a court in London, consisting of the Lord Chancellor, the three Chief Justices, and the Judge of the

Probate Court. You must file your affidavits before that Court; and you must bring up your witnesses from Cornwall or Cumberland, and submit them to oral examination; and then, when the Court has granted you a divorce, the Judges may assess you some compensation." Certainly the sarcasm would be just as severe as that of the learned Judge which he had quoted. What they proposed to do was only to insert the present process, and invert it in favour of the adulterer. He (Mr. Butt) would earnestly beg the attention of the Committee to this, that they would be shutting out the poor man from every remedy, inasmuch as he could not possibly obtain any by the Bill which had been sent down from the House of Lords under a sum of £400 or £500. And let the Committee further remember this, that there was a very large body of their fellow countrymen who, from conscientious motives, would never come into their new court at all. If they abolished this action, what remedy would be left to the Roman Catholic, or to the man who believed in the indissolubility of marriage? He did not believe that the people at large shared in the opinions expressed against this action, as by its abolition they would take away the only remedy which the poor man possessed. It was admitted that at the close of the last century the speeches of Erskine and Lord Kenyon, and the verdicts of juries in suits of this kind, had powerfully contributed to check the crime of adultery, which was then more common than it has been since. When they had made adultery a criminal offence it would be time to abolish this action, but till then he hoped it would be retained.

Question put, "That Clause 54 stand part of the Bill."

The Committee *divided*:—Ayes, 78; Noes, 46: Majority, 32.

Clause *added* to the Bill.

Clause 55 (Letters Patent, Records, &c. to be transmitted from all Ecclesiastical Courts).

Motion made, and question proposed, That the Clause stand part of the Bill.

Mr. BUTT said, he rose to move that the Chairman should report progress, with the view of putting himself in order while he gave notice that as discussion upon the merits of the preceding clause had been prevented by accident, it was his intention to take the sense of the House with respect to it upon the bringing up of the Report.

Whereupon Motion made and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

Mr. MALINS said, that as the 54th clause now stood part of the Bill the action for *crim. con.* would be abolished, whilst the power of imposing a fine had been taken out of the 31st clause. Consequently a man might commit adultery with perfect impunity, so far as any pecuniary penalty was concerned, and he would not be liable to imprisonment, because the House had refused to make the offence a misdemeanour. He (Mr. Malins) knew that his hon. and learned Friend (Mr. Bovill), his hon. and learned Friend near him (Mr. Macaulay), and other hon. Gentlemen of great experience in actions of *crim. con.*, had intended to address the House on the clause just agreed to; and he himself and others had relied upon them to state the views which were entertained upon that subject on that (the Opposition) side of the House, and in which he understood the hon. and learned Attorney General himself participated, not precisely in form, perhaps, but in substance, beyond all doubt. He said in substance, for this reason: that he understood it was the intention of his hon. and learned Friend to ask the approval of the Committee to some clause which would enable the Court or the party without the intervention of the Court, to submit as a question for a jury what pecuniary compensation should be paid to the man whose wife had been seduced, in the shape of a fine or some other way, so that the law would retain to itself the power, which he believed it to beneficially possess at the present time, of punishing the adulterer in the only mode in which it was possible to reach that class of persons. Now, he must say, that he could not help looking at the shape in which the Bill now stood with the greatest apprehension. Was he to understand that Government intended to let it remain as it was? Because if they did, and a man might henceforth commit adultery with impunity, instead of conferring a benefit it would inflict a curse upon society. He would therefore appeal to his hon. and learned Friend, to say what course the Government intended to adopt.

Mr. P. O'BRIEN said, he thought there was reason for complaint on the ground that, in consequence of the abrupt manner in which the division had been called for, several gentlemen, including the hon. and learned Member for Guildford (Mr. Bovill) and himself, among others who had intended to address the Committee on the question then under consideration, were precluded from doing so. It was, he added, the more to be regretted that the expression of the opinion of the Committee should have been so restrained, inasmuch as the question started by the hon. and learned Member for Youghal involved many considerations of a serious kind. He would not now discuss the general question, but, in reference to a remark which had fallen from the hon. and learned Gentleman (Mr. Butt), he owed it to his co-religionists to say that they, the Roman Catholics, required no such protection for the marriage state as was supposed to be given by the action for criminal conversation.

The ATTORNEY GENERAL said, the Committee would no doubt feel with him that it was quite necessary before proceeding further that the Motion of the hon. and learned Gentleman the Member for Youghal (Mr. Butt) should have been first disposed of, for the question was in this position, that the hon. and learned Member desired to restore the old action for criminal conversation. He confessed he was disappointed at the proposition of the hon. and learned Gentleman, for he (the Attorney General) thought the better way would have been to leave the clause as it stood, and, if it was the opinion of the Committee that any further proceeding should be adopted, to add that form of proceeding in the shape of a separate clause. The 31st clause, as it came from the Lords, proposed to give the Court the power of imposing a fine on the adulterer. He felt, however, personally adverse to that notion, partaking as it did of the character of criminal damages. He therefore thought of converting the fine into pecuniary damages either for the benfit of the husband or of the children of the marriage, or as a settlement on the unfortunate wife. But the hon. and learned Gentleman (Mr. Butt) interposed with an Amendment to strike the clause out of the Bill. He (the Attorney General) thought at the time that it was the intention of the hon. and learned Gentleman to give the husband compensation in another form, and he therefore thought it due to him to leave that part of the Bill entirely in his hands. Undoubtedly he (the Attorney General) would be sorry to restore the old action of criminal conversation. It was an opprobrious thing, because it was made a necessary condition of divorce. That, he thought, was unquestionably a disgraceful proceeding. It was again a most unjust thing, because it made the husband—and in that lay its opprobrium—sue for damages as a compensation for his dishonour, and yet it did not of itself profess to give him a divorce from the wife who had dishonoured him. He still remained a dishonoured person, because the woman continued still to be his wife. Then it was said to be unjust, because it was a proceeding to which the wife, however much she might be compromised by its issue, was no party, and therefore could not defend herself. But he was particularly desirous of abolishing it, because, if it was retained, there might be the greatest conflict between the determination of the jury in the action for criminal conversation and the determination of the new court on the question of adultery. He was not at all insensible, however, to the suggestion that the action of criminal conversation, or some such action, might be a much-needed protection to the poor man. He would suppose, for example, the case of some great factory owner, who had in his employment a married woman of great personal attractions. Such a person might so place that woman in his factory as to give him great opportunities of soliciting her chastity. What was the protection which the husband had against such an act of dishonour? Why, undoubtedly it was the knowledge on the part of the person contemplating the seduction of his wife that the husband had it in his power to bring an action against him for damages. But, on the other hand, he could imagine a case where the husband would scorn the thought of receiving one penny of the adulterer's money, and might yet wish, above all things, that the wife who had dishonoured him should not come back to reside with her paramour in the place where he and his children lived. The husband in such a case might desire to obtain damages against the adulterer on another ground; in a great number of instances adulterers did not pay the damages awarded, and the verdict condemning them in damages would therefore operate as a punishment against them. In other cases the husband might desire to have damages either on his own account, or for the benefit of his children, or as a provision for the unfortunate woman herself. Again, many a man in humble life, the husband of a milliner, for example, whose industry greatly contributed to the maintenance of the family—

might desire to have a compensation for the loss of a wife whose services had been so valuable to him. What he thought of doing was this—that when a husband presented his petition to the Court for a divorce he should state in that petition whether he desired to have damages assessed against the adulterer or not; and also, if he desired to have damages assessed, how he wished to have them applied—whether he desired to receive them himself, or to make them a settlement for his children or a provision for his wife. Then, on the hearing of the petition—which it should always be remembered would be heard before a jury—the jury should have the power, in giving their verdict, to determine whether any or what sum should be paid by the adulterer as damages, to be applied in the manner desired by the petitioner. That was the course he had endeavoured to indicate as the opinion of the Government on the subject, and he had thought that the hon. and learned Member for Youghal agreed with him in substance. He should have no objection to embody in an enactment, and bring it up to-morrow, that which he had indicated to the Committee, if it met with something like general acceptation; not that he wished to pledge any individual Member now to anything like a positive agreement in the suggestion.

Lord LOVAINE said, he would be glad to have information on one point regarding the pecuniary mulct to be inflicted on the adulterer. He wished to know, supposing a husband suing for a divorce had no children, and desired no application of damages for himself, or as a provision for his wife while she remained in the hands of the adulterer, whether in that case the Court might not have the power of itself to assess and apply damages?

Mr. BUTT said, he thought that the Committee was agreed on one thing, and that was that the decision just come to was most unsatisfactory. It had been an accident, and it was right that the Committee should know the extent of that accident. As many as five or six hon. Gentlemen had expressed their readiness to speak in support of his proposition. He agreed in what had fallen from the hon. and learned Attorney General, except as regarded the fact that he had undertaken the duty of framing a clause. The hon. and learned Gentleman had now intimated his intention to bring up a clause which was not entirely satisfactory, as it limited the right to damages to the case where the husband sued for a divorce; and at the same time the proceeding for divorce was made expensive, whereby the poor man would be deprived of the opportunity of obtaining damages. So also would all those persons whose conscientious convictions precluded them from seeking a divorce. He was quite ready to say that if the hon. and learned Gentleman would propose any proceeding which would get rid of the opprobrium of the action now known to our law; which would not entail the necessity of seeking for a divorce, and which would be cheap and accessible to the poor man, giving him the same power as he now had of punishing the master who seduced his wife, he (Mr. Butt) would cheerfully accede to it. He would not object, too, if the hon. and learned Attorney General should propose, in addition to the payment of damages, that such a coldblooded master as he had described should be placed in the pillory. But unless such a clause were brought up, he would adhere to the pledge he had given to endeavour at a future stage of the measure to preserve the remedy which protected the sanctity of the poor man's home. He was ready to give the hon. and learned Attorney General credit for proper feeling on this question; but he doubted whether it could be satisfactorily dealt with in this Bill, at the very end of the Session. This was no mere personal conflict. They were abolishing a form of action which had long existed; and it might as well be done next year as this. He would therefore suggest that the 53rd clause should be given up, and this would greatly facilitate the passing of the Bill. It was said that this Bill was to merely give to a new Court the powers of an existing tribunal, and the abolition of the action for *crim. con.* formed no necessary part of it. At this stage of the Session the question could not be fairly discussed. It was one that stirred the passions of all men, and came home to the hearts of every family, and they ought not on such a question to accept, without discussion, the recommendations of a Royal Commission or the decision of the other House. In Scotland, where the divorce was most easily obtained, the action for *crim. con.* still existed.

Viscount PALMERSTON said, his hon. and learned Friend the Attorney General had stated to the Committee that he would, on a future occasion, bring up the clause of which he had stated the purport.

He would, therefore, suggest that the Committee might go on with the Bill, and postpone until the clause was produced the discussion which would naturally arise upon it—a discussion which must be fruitless, seeing that the clause was not before the Committee. They had spent some time already, and he would suggest that the Motion for reporting progress should be withdrawn, and that they should go on with the Bill.

Lord JOHN MANNERS said, he must remind the Committee that the Government were not altogether free from blame as regarded this unfortunate discussion. After the hon. and learned Gentleman (Mr. Butt) had addressed the Committee every one expected some explanation from the hon. and learned Attorney General on this most important subject, but instead of this the Committee had been allowed to go to a division in a state of helpless ignorance as to the intentions of the Government. It was impossible that that division could be regarded as an expression of the deliberate opinion of the Committee, because it was taken under circumstances which deprived it of any value whatever. The noble Lord now said they ought to reserve discussion until they saw the Attorney General's clause; but how could they be expected to give this important question anything like due consideration if they relegated it till the last moment? As to the clause shadowed forth by the hon. and learned Gentleman, it appeared to him (so far as he could collect its contents) to be open to one fatal objection. The proposal was that no man should be allowed to sue his wife's seducer for damages unless he stated his intention in the petition and declared how he wished the money to be applied. But a man of high spirit would not consent to ask a court of law to appraise his damages, and the inevitable result would be that he who seduced the wife of such a man might do so with perfect impunity. This check upon the commission of adultery would, in such a case, therefore, be wholly removed. Now, under the present law, the objection he had stated did not apply, because no man could obtain a divorce unless he obtained damages, and therefore a husband was compelled, if he wished to obtain relief at all, to bring this action.

Sir GEORGE GREY urged the Committee to proceed with the discussion of the other clauses; they would then sooner be able to consider the new clause. It was the ordinary course to bring up new clauses after a Bill was gone through.

Mr. WIGRAM said, it was important to extend the remedy proposed by the hon. and learned Attorney General to other cases than those in which a dissolution of marriage was sought for.

Mr. COLLINS said, he hoped that similar facilities would be afforded for obtaining a remedy in cases of criminal conversation to those which now existed in the provinces by trial at the assizes.

Mr. MALINS said, he trusted the hon. and learned Attorney General would not limit the right of action to cases in which divorce or even judicial separation was sought for. There were many cases in which a husband might not wish to sue for either of these sentences, but at the same time might desire that the man who had inflicted this injury upon him should be punished in the only way in which he could be punished under this Bill. He would also urge upon the hon. and learned Gentleman not to make it necessary *à priori*, that the petitioner should state in what manner the damages should be disposed of. First, let the damages be obtained, then let them be brought into court, and let the Court decide how they should be appropriated.

Sir DENHAM NORREYS said, that unless the Bill was considerably amended, though he had supported it all along, he should vote against it on the third reading, and move to alter the title to that of "An Act for the encouragement of Adultery." He was in favour of punishing adultery by fine and imprisonment, allowing the Judge to direct the application of the fine for the benefit of the family.

Mr. BUTT said, he would consent to withdraw his Motion, as he was quite satisfied with the discussion which had taken place. At the same time he assured the Committee that it was his fixed determination to endeavour to secure to the poor man a remedy against the seducer of his wife.

Mr. BOVILL said, it was unfortunate that out of respect to the Government bench all discussion was excluded by accident, because the Committee had just abolished the action for *crim. con.* without providing any substitute for it. He had voted for the second and would vote for the third reading of the Bill, but he hoped the hon. and learned Attorney General would be able to devise some substitute which should have the effect of deterring persons from committing adultery, punishing the offender, and compensating the injured party.

Motion by leave *withdrawn.*

Original Question put, and *agreed to.*

Clause 56 amended and *agreed to.*

Clause A (Fees to be collected by stamps.)

Mr. ADAMS suggested that as it was intended that some of the business arising out of this Bill was to be brought before the inferior courts, while at the same time the fees being payable in stamps would go to the Consolidated Fund, no provision would be left for the officers of those Courts.

The ATTORNEY GENERAL said, it was true that under the clause as it stood, the fees payable on the stamps could not be paid at once to the officers of the court, as it was provided that they should be paid into the Consolidated Fund. He would take care that proper provision should be made to meet the case.

Mr. HENLEY said, that the hon. and learned Attorney General having appointed the local courts, should have arranged the fees so as to fit them. This was a duty which could not be done by the Committee. They should first understand how the local courts were to stand, and then settle the fees, otherwise they would be dealing with the fees without knowing how the courts were to be constituted. He hoped that the hon. and learned Attorney General would make a proper provision hereafter.

The ATTORNEY GENERAL was understood to say that he would attend to the suggestion.

Sir WILLIAM HEATHCOTE said, it could not be done if this clause were agreed to in its present shape.

The ATTORNEY GENERAL then said, that he could make the clause more stringent by adding the words "except as herein expressly provided."

Clause with the Amendment *agreed to.*

The ATTORNEY GENERAL said, he now rose to move to leave out Clause 15, and insert a clause which was nearly the same, but in a better shape, for that clause was originally in a very rude form. The clause was intended to meet the case of the whole of the court being thrown open to the profession, which was not in the original Bill as it came from the Lords.

Mr. HADFIELD said, that the claim for compensation would be founded upon this clause. Was it understood that the clause was instead of Clause 15?

Mr. MALINS said, that compensation would be granted by the clause as in the Probate Bill.

Mr. AYRTON said, that the precedent of the Probates Bill would not be followed. Each case would stand on its own merits.

Clause *agreed to.*

Clause 18. (Prescribing the tribunal to which application for judicial separation should be made either by the husband or the wife on the ground of adultery, or cruelty, or desertion without cause for two years and upwards.)

The ATTORNEY GENERAL said, he wished to explain the circumstances under which this clause had been prepared. Several days ago a proposal was made for giving a limited jurisdiction under this Bill to the County Courts. Although he looked forward to the time when those tribunals would be placed on a better footing, he had still expressed his opinion that in their present state they were not fit to be the recipients of a jurisdiction of this nature. The result of the discussion which took place on the former occasion in question was that the hon. and learned Member for Youghal (Mr. Butt) permitted his Motion to be negatived, and the Committee came to the decision that the County Courts should not be invested with functions of this description. At the same time a strong feeling was manifested in favour of confiding a portion of this jurisdiction to some local tribunal, and he himself undertook to bring up a provision to meet this desire. Being, however, stripped of the power of using the County Courts, by the decision of the Committee, he had been compelled to avail himself of such local tribunals as still remained. Among these he found the itinerant Judges of Assize and the General Quarter Sessions of the Peace held in the counties or boroughs. The Committee ought to observe that the Court of Quarter Sessions for any city or borough was presided over by a Recorder, which was not the case at the general Quarter Session for the county; and it might be thought that the Court of Quarter Sessions for the county was not fitted, by its constitution, or its mode of conducting business, for the exercise of this nice and delicate jurisdiction. What he now proposed, therefore, was to move the clause of which he had given notice, with the omission of the words relating to "the Court of Quarter Sessions held for the county." In that shape the provision would enact that application for judicial separation might be made to the Judges of assize going circuit, or to the Recorder of any city or borough in which the husband and wife were last resident. The clause, therefore, would run as follows:—

"Application for judicial separation on any one of the grounds aforesaid may be made by either husband or wife, by petition to the Court, or to any Judge of the Courts of Common Law at the Assizes held for the County in which the husband and wife reside or last resided together, or to the Courts of the Recorder in the city or borough in which the husband and wife are or were last resident, and which Judge of Assize and Recorder's Courts respectively are hereby authorized and required to hear and determine such petition according to the rules and regulations which shall be made under the authority of this Act, and the Court or Judge to which such petition is addressed, on being satisfied of the truth of the allegations therein contained, and that there is no legal ground why the same should not be granted, may decree such judicial separation accordingly, and where the application is by the wife, may make any order for alimony which shall be deemed just."

Clause *brought up*, and read 1°.

MR. BOVILL remarked, that he thought the exercise of this jurisdiction by the Judges of Assize would be almost impracticable, and he would suggest that a similar proceeding to that under the Lunacy Commissioners might be advantageously adopted.

MR. BUTT said, he could not admit that the Committee had on a previous occasion decided against a recourse to the County Courts. He had himself at first proposed a reference to those tribunals, and although he afterwards withdrew his Amendment, it certainly was not his intention, neither did he believe it was the intention of the Committee, thereby to put a distinct negative upon the suggestion to give this jurisdiction to the County Courts. The words substituted for his proposal were general in their purport,—namely, "any court which may hereafter be appointed." The obvious effect of this was not entirely to give up the question as to the County Courts, but merely to reserve it until a subsequent stage of the Committee, and he still meant to take the sense of the Committee on that point. However, he entirely agreed in the propriety of the proposition giving jurisdiction to the Recorder. The Judges of Assize only sat for a few days in the county, and great inconvenience would result from leaving the jurisdiction in their hands.

MR. AYRTON said, he wished to call the attention of the hon. and learned Attorney General to the practical difficulty of working this clause by means of the Court of Assize. A Judge upon circuit tried cases which came before him upon indictment, and in regard to which there had been in most cases a preliminary inquiry before a magistrate. The parties therefore, had full notice. But here a petition must be presented to a Judge, and notice must be given to the opposite party, who must have time to answer. The Assizes, in the greater number of towns, lasted two or three days, and in some cases only one day. It was clearly out of the question that a party could receive notice and get his witnesses ready, and the case must therefore be traversed until the next Assizes, which would involve a delay of six months. These petitions for separation required immediate attention, and the clause as it stood would fail to carry out the object which the Committee had in view.

MR. MALINS said, that he had expressed a strong opinion against intrusting this jurisdiction to the County Courts. He had refused to acquiesce in the withdrawal of the Amendment of the hon. and learned Member for Youghal, in favour of establishing a County Court jurisdiction; and the result was, that the Amendment was unanimously negatived. He considered that the Committee, in negativing that Amendment, decided that the County Courts should not have the decision of cases of judicial separation. The hon. and learned Attorney General had, with great propriety, abandoned his proposal to give jurisdiction to Courts of Quarter Sessions. [THE ATTORNEY GENERAL: I have not proposed it.] It was in his hon. and learned friend's clause, and as he had struck it out, he was justified in saying that his hon. and learned Friend had abandoned the proposal. The hon. and learned Gentleman now proposed to give the jurisdiction to Judges of Assize, and Recorders. Would this work? He believed it to be impossible that this class of cases should be disposed of by the Judges of Assize. The Assizes had, in some towns, just terminated, and they would not be held again until March. Now this class of disputes between husband and wife would not bear the delay of seven months, and this delay would be, of itself, an insurmountable objection. [SIR GEORGE GREY: There is a third circuit within the year.] Yes; but that was a circuit for criminal business, and occupied only a limited time. There was a great pressure to get through the criminal business; and although, if the Judge tried these causes upon the third circuit, the delay would not exceed four months, it would still be too much. It was well known that these domestic quarrels and brawls occupied a great deal of time in their investigation, and how were the Judges to know how much time to give to each Assize town? The delay of a single day at any town overthrew all their arrangements, and these applications for judicial separation would set at defiance all their calculations. The Recorders held their Sessions four times a year, and in their Courts the delay need not exceed three months. But very young men were appointed Recorders, and, taking the average of Recorders, many of whom were young and unmarried men, would any one say that they had the experience necessary to enable them to dispose of these cases satisfactorily? He approved the suggestion of the hon. Member for Guildford (Mr. Bovill) to send down Commissioners, as in cases of lunacy, the Commissioners, to report to the Court, and the Court to act upon that report.

Mr. HENLEY said, he thought that the Attorney General had done everything in his power to carry out the determination of the Committee in favour of local jurisdiction. The hon. and learned Gentleman had availed himself of all the Courts in his power, and he quite agreed with those who thought none of them paticularly fit for the purpose. They must remember that this tribunal was for the poorer people, and he knew of no instance of Commissioners going down into the country without great expense.

Mr. MALINS said, that it was in cases of poor porsons becoming lunatic that Commissioners were sent down with such signal advantage. The Commissioner was an officer of the Court, and was not sent down at the expense of the parties, but at the expense of the Court.

Mr. HENLEY said, he would be glad to know whether the expense was absolutely little, or relatively little, to what Commissions in lunacy used to be.

Mr. MALINS said, absolutely little.

Mr. HENLEY said, the expenses of those Commissions used to be frightful, and of late years, he had heard they were so great that he looked with alarm to extending the system to divorce cases. Many of these cases were only for the purpose of getting alimony. Married persons quarrelled; they could separate themselves, but they could not agree as to the amount which the husband was to give his wife for permanent alimony, and that was the frequent cause of their having recourse to the present local Ecclesiastical Courts to settle it for them. The Court arbitrated between the parties, and nothing more was heard of them. He did not think that the inhabitants of a county could appeal to a borough Recorder, and proceedings at the Assizes would necessarily be expensive and hurried. The Court of Quarter Sessions, might not be able to judge difficult questions, but among the humbler classes of society the settlement of alimony was the most important question, and it was not of so difficult a nature that persons of ordinary common sense, with a fair knowledge of life, could not deal with it satisfactorily. The number of cases would be extremely small—not above one in a year in each county, and as he looked upon this quite as an experimental measure, he did not attach great importance to making it a perfect tribunal.

Mr. M'MAHON said, he trusted that the hon. and learned Attorney General would stand by the clause, as it was originally printed. He could see no objection to the Court of Assize on the ground of delay. In these cases delay was very essential to give an opportunity of amicable arrangement between the parties. Nothing was more desirable than that a little time should be conceded, and that husband and wife should not be able to rush away to a court to have their quarrel dragged before the public. In France, frequent opportunities of arrangement were given before the parties were driven to a last and public hearing. There appeared to him to be no more difficulty of trying these cases at the Assizes than of trying ten thousand others of much greater importance. With regard to the suggestion to follow the precedent of Lunacy Commissioners, with 100 cases of divorce a year and 200 cases of judicial separation,—as the experience of Scotland showed there would be—they would need some dozens of Commissioners, and no Commission ever acted so cheaply and effectually as a Court of Assize. Moreover, he objected to any public money being wasted in settling the differences of private parties. With the exception of five or six Recorders, the non-professional Chairmen of Quarter Sessions did their business as well and as satisfactorily as the learned Recorders. The Chairmen of Quarter Sessions were selected beause of their good sense and experience, and they would understand the differences of parties in their various localities better than the Judges of Assize, and much better than the Recorders. He hoped, therefore, the Attorney General would adhere to his proposal to give this jurisdiction to the Quarter Sessions.

Lord LOVAINE said, he observed that no appeal was to be granted from the local Courts. Was that intended?

The ATTORNEY GENERAL said, he would answer the question of the noble Lord presently. In the meantime, he wished to refer to the objections which had been stated to these matters being heard and decided by the Judge of Assize. The Committee would recollect that, besides the Judge of Assize, there were named in the Commission of Assize or *nisi prius* a number of barristers—Queen's Counsel and Serjeants-at-law. What he proposed was, that any one of the persons named in the Commission might be appointed by the Judge to hear and determine matrimonial causes precisely in the same manner in which a Queen's Counsel or Serjeant was called upon to aid the Judge in disposing of that business which the latter could not undertake himself. Another difficulty had been raised with respect to the service of petitions. That might be easily arranged by the adoption of a rule of procedure to the effect that petitions might be addressed to the Judge of Assize for the county, sent up a certain number of days before the day appointed for the Assizes, sealed with the seal of the Court, and then served, without any further ceremony or expense, upon the respondents. Thus he got rid of the two main difficulties which had been urged against his proposal. He now came to the question of the Quarter Sessions. Undoubtedly he felt that the Quarter Sessions, as a body of Judges, were not exactly the tribunal to which matrimonial causes should be referred; but he had not the least objection, as he had given power to Recorders to adjudicate upon all these petitions, to adopt the suggestion of the right hon. Gentleman, the Member for Oxfordshire (Mr. Henley), and to let matrimonial causes be determined by Chairmen of Quarter Sessions personally, sitting of course as Chairmen. The result would be, supposing Chairmen of Quarter Sessions to have as Judges *pro hâc vice* the power of hearing and determining upon these petitions, that they would take them either in a private hearing or in public Court, adjudicating upon them in the same manner as the other tribunals. He could not consent to the creation of temporary Commissions, consisting of one or more barristers, for the purpose of disposing of this description of judicial business. There would be no dignity about such a tribunal, no satisfaction in the manner in which its functions would be discharged, and he did not think it would be anything like a proper Court for administering the jurisdiction created by this Bill. The first Amendment which he proposed in the clause was, the insertion, after the words "Judge of Assize," of the words, "or any other person named in the Commission of Assize or *nisi prius* for such county, and appointed by such Judge to hear such petitions."

Mr. SEYMOUR FITZGERALD said, he thought the statement of the hon. and learned Attorney General was most satisfactory. He was glad to find that this jurisdiction was to be placed in the hands of Chairmen of Quarter Sessions. His belief was that, as far as chairmen were concerned, justice was better administered by those tribunals than by a large number of regularly constituted Courts. He would suggest that the Attorney General should add the words, "or Assistant Chairmen."

Mr. PULLER urged that care should be taken, not only that the respondent should be served with the petition, but that he should have time to prepare to meet it, and to send in or file a countercharge. He thought, also, that provision should be made for giving persons whose character was assailed in petitions an opportunity of protecting themselves.

Lord JOHN MANNERS said, that, as the person who suggested that there should be a local jurisdiction, he was anxious, before the discussion closed, to express his opinion that the hon. and learned Attorney General had not only fulfilled his promise, but fulfilled it in a manner which gave the Committee every reason to believe that their intentions would be properly carried into effect.

Mr. HENLEY asked the Attorney General whether he had any objection to allow the local Courts to deal with the restitution of conjugal rights, as well as with judicial separation?

The ATTORNEY GENERAL said, he

would consider that point. In the meantime, he would suggest that the clause be amended by inserting the words, "The Chairman and Assistant Chairman of the Court of Quarter Sessions of the peace held for the county or district, or the Recorder for the city or borough in which the husband and wife are or were last resident."

Mr. BOVILL observed, that the clause, as proposed, would make it compulsory upon those gentlemen who were named in the Commission to undertake this business at the dictum of the Judge.

The ATTORNEY GENERAL remarked, there would be a consideration for the trouble.

Mr. BOVILL said, he was not speaking of the consideration to be given. Many gentlemen would decline to undertake this business upon any consideration. He thought it would be better to leave the Judge of Assize to select the most competent person he could find.

Sir GEORGE GREY said, he would remind the hon. and learned Gentleman that several persons were named in the Commission who were selected from the leaders of the circuit. The Judge would, of course, only avail himself of the assistance of gentlemen who were willing to undertake the duties.

Mr. ADAMS observed, there was no mention of payment in the clause.

Lord LOVAINE said, that, as a Chairman of Quarter Sessions, he not did wish for the discharge of such duties; but, as they were to be imposed upon him, he must earnestly ask that there should be some provision made for an appeal.

Amendments *agreed to.*

Clause read 2°, and *added* to the Bill.

Clause 18A was postponed.

On the motion of the Attorney General, a clause was added to the Bill in the place of Clause 19, giving power to a wife deserted by her husband to apply to a police magistrate, or Justices in Petty Sessions, for an order to protect her earnings and property against the creditors of her husband.

The ATTORNEY GENERAL next proposed a clause to follow Clause 54, giving compensation to proctors according to the loss which may be sustained by them in respect to suits relating to marriage and divorce, to be ascertained by a comparison, instituted two years after the passing of the Act, between the average gains of those two years and the average gains on the three years immediately preceding the passing of the Act.

Mr. MALINS said, he hoped that the hon. and learned Attorney General would consent to regulate the compensation with regard to divorce business in the same manner as it had been settled in the Probate Bill—namely, that the proctors should receive one-half of the amount of their profits during the last five years. This divorce business was confined in few hands, and the amount of compensation would be very trifling.

Mr. HADFIELD remarked, that he had been under the impression that the question of compensation had been settled for good in the Probate Bill. He had certainly understood the hon. and learned Member for Wallingford, in the discussion on that Bill, to withdraw all claim for compensation to the proctors in respect to divorce and admiralty business. He should divide the Committee against the clause.

Mr. MALINS said, that in justification of the course which he had taken upon this matter, he wished to state that, on the 6th of August, the hon. and learned Attorney General, in answer to a question from the noble Lord the Member for the West Riding of Yorkshire (Viscount Goderich) said:—

> "It came within the spirit, if not within the letter of the agreement, that compensation clauses in respect to the matrimonial business of the proctors should be inserted on the same principle as the corresponding clauses in the Testamentary Bill."

Mr. HENLEY said, he wished to know why the parties most interested—namely, the officers of the local courts—were not to be dealt with upon the same principle as the proctors?

The ATTORNEY GENERAL said, that when compensation was given to the chancellors and officers of the inferior Diocesan Courts for the loss of the testamentary business, it was understood that they would be fully satisfied, and he had not received a single letter suggesting that there should be any further compensation. As to the proctors, he had a clear recollection that neither in answer to the hon. and learned Member for Wallingford (Mr. Malins), nor to the noble Lord the Member for the West Riding (Viscount Goderich), did he ever state that the proctors were to be compensated under this Bill upon the same principle on which they received compensation under the Testamentary Bill. The cases were different, because while under the latter measure business was taken from them, by this a new court was constituted, and business was brought into it from all parts of the country. While admiring the sincerity, the perseverance, and the ability with which his hon. and learned Friend had conducted the case of the proctors, he thought that he had a little miscarried in pressing for the compensation for which he now asked. Had there been a fuller House, such a course might have endangered the granting of any compensation.

Mr. MALINS said, that he understood his hon. and learned Friend to deny the accuracy of the Report.

The ATTORNEY GENERAL: As far as the words "on the same principle &c." are concerned.

Mr. MALINS said, that of course he could only rely upon the usual sources of information, which were generally very accurate; and therefore his hon. and learned Friend would, no doubt, think him justified in referring to this statement as having fallen from him. (The Attorney General: Hear, hear!) As the accuracy of the report had been denied, the foundation of his case had failed, and he should not press his proposition. As to the contrast which the Attorney General had drawn between the operation of this measure and that of the Testamentary Bill, he must remind the Committee that, under this Bill, the proctors would at once have 10,000 competitors for the business in this court.

Clause *added* to the Bill.

Clause brought up, fixing the salary of the Judge of the Court of Probate, if appointed Judge Ordinary of the new court, at £5,000 per annum, and providing that that salary should not be increased if he should be made Judge of the Admiralty Court.

Clause *added* to the Bill.

Various other clauses, relating to the duties upon stamps, and providing for the expenditure of the new court and for the publication of accounts, were brought up and *agreed to.*

Mr. M'MAHON said, that he now rose to propose the following clause, to follow Clause 54:—

"From and after the passing of this Act, the committing of adultery by any person with any married woman living under the care and protection of her husband, such person knowing the said woman to be married, shall be deemed and taken to be a misdemeanour; and such person shall and may be proceeded against by indictment, and in no other manner, in respect of the same as a misdemeanour, and which indictment it shall not be competent to any person to prefer to a grand jury, except the husband of such married woman; Provided, that whenever it shall appear to the Court, upon the trial of any person proceeded against in respect of such misdemeanour under this Act, that by reason of collusion or connivance on the part of the husband of such married woman, or other circumstances, of which collusion, connivance, and other circumstances, the Court shall be competent and is required to receive evidence, no action at law for damages, or verdict for more than nominal damages, could be maintained at the suit of such husband against the person alleged to have committed adultery with the wife of such husband, such person shall not be liable to be convicted or punished under or by virtue of this Act; provided, also, that such offence shall be punishable, at the discretion of the Court, by fine and imprisonment, or either of them; and that any such offence, if committed out of the United Kingdom, may be alleged, laid, inquired of, and tried in the county of Middlesex."

That clause had been drawn by a gentleman of great experience, and its object, in a word, was to make adultery a misdemeanour. In fact, it was almost the same as a clause of the Bill of 1800, which had been supported by Lord Eldon and Mr. Pitt, and which clause had also received the sanction of the House of Commons. It was by no means the case that to make adultery a misdemeanour was foreign to the law of England, because there were several precedents which proved that, up to the year 1746, it had been treated as a misdemeanour; and he believed that, but for the introduction of the action for *crim. con.*, that would still have continued to be the case. Now that the action for *crim. con.* had been done away with, the man whose wife was debauched, and who was debarred from proceeding for a divorce—a Roman Catholic, for instance—would be left entirely without redress unless this clause were adopted.

Clause brought up and read 1°.

The ATTORNEY GENERAL said, it was a matter of congratulation to him that the clause which the hon. and learned Gentleman had just proposed was not one which he himself had framed, inasmuch as there would be the less difficulty in characterizing it as one which contained some very absurd provisions. It must also, he thought, be a subject of consolation to the Committee, on casting a retrospective glance over past times, to find that men, who in those days were looked upon as giants in intellect, could be the authors of a clause which actually proposed that no person should be held competent to proceed by indictment against the adulterer but the husband of the woman with whom the offence had been committed, and that the liability to punishment of the guilty party should depend, not upon the fact that the adultery had taken place, or upon the flagrant nature of the circumstances by which its commission was attended, but upon the question whether a jury, taking all the facts into their consideration, were or were not prepared to give the husband damages. He trusted the hon. and learned Gentleman would forgive him if he felt it to be his duty to characterize a clause of that description, making the punishment of the adulterer altogether dependent upon the meritorious conduct of the husband, as absurd, and if he should express a hope that the Committee would not assent to its introduction into the Bill.

Motion made, and Question, "That the clause be read a Second time," put, and *negatived.*

Mr. BUTT said, he was anxious to establish the principle of a limited jurisdiction in local Courts; but he would not press that point now, but would bring up a clause on the Report. He also wished to observe, that, by the 25th clause, any husband might present a petition for divorce, and the petition might be served anywhere—a circumstance which would make the Bill apply to Ireland and Scotland; and he therefore proposed to move a clause to prevent that, except in cases which were specially mentioned in the Bill.

The ATTORNEY GENERAL said, he thought it would be better to propose the Amendment on the bringing up of the Report.

Mr. BUTT expressed his readiness to accede to this suggestion.

The ATTORNEY GENERAL said, he would now take occasion to state that he would submit the new clauses which he had taken it upon himself to prepare—among the principal of which were that giving power to the husband to recover damages against the adulterer, and that which would oblige the incumbent of any parish, who might upon conscientious grounds refuse to marry parties who had been divorced, to give the use of his church to any other clergyman who might be willing to perform the ceremony—to the consideration of the House either in Committee or upon the bringing up of the Report, whichever course might appear the more desirable. The hon. and learned Gentleman concluded by moving that the Chairman should report progress.

The Attorney General

On the suggestion of Mr. Malins,

The ATTORNEY GENERAL consented that the new clauses should be brought forward in Committee.

Mr. WALPOLE said, he would take that occasion to express his belief that, if the hon. and learned Attorney General sought to add the proviso to Clause 53, to which he had referred—namely, to enable the guilty parties to be married in the parish church by another clergyman, in the event of the incumbent of the parish refusing to marry them—such a proviso would give rise to dissatisfaction.

The ATTORNEY GENERAL said, he had given a distinct promise to bring forward a proviso of that kind.

Mr. P. O'BRIEN said, he hoped it was understood that it was to be a clergyman of the Church of England who was to marry the parties in the event of the incumbent of the parish refusing to do so.

The ATTORNEY GENERAL said, he would take care that the proviso should provide that it was a licensed clergyman of the diocese who should officiate in the event of the clergyman of the parish refusing.

Mr. RIDLEY said, he wished to remind the Committee that the introduction of the proviso in question was an essential part of the arrangement which had been come to.

The House resumed. Committee report progress; to sit again *To-morrow.*

CROWDED DWELLINGS PREVENTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Short Title of Act).

Mr. HENLEY said, as the Bill professed to deal only with common lodging-houses, its present title was inappropriate. He would therefore move that, instead of being designated in the 1st clause as "The Crowded Dwellings Prevention Act, 1857," it be called "The Common Lodging-houses Act Amendment, 1857." He thought, if the right hon. Gentleman who had charge of the Bill (Mr. Cowper) was in earnest in dealing with the common lodging-houses, the Bill ought to take that distinctive title.

Amendment proposed, to leave out the words "The Crowded Dwellings Prevention Act, 1857," in order to insert the words "The Common Lodging-houses Act Amendment Act, 1857."

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. COWPER said, perhaps the title suggested by the right hon. Gentleman was the better of the two, if the Committee thought it would apply as well to the clause relating to the common lodging-houses as to that giving power to the Commissioners of Police to enforce the application of a part of the Nuisances Removal Act.

MR. RIDLEY said, that, under all the circumstances, he would suggest the propriety of postponing the further consideration of the measure until next Session. As introduced in the Lords, it applied solely to the Metropolis, but now it was extended to the whole country. Considering the nature of the alteration made in the Bill, and the great difference of opinion which existed in respect to it, he thought that at that period of the Session it should be abandoned.

MR. COWPER said, that the Bill had been before the House sufficiently long to be amply considered. It was true that the Bill, as originally introduced, was restricted to the Metropolis, where the evil to be met chiefly existed; but, as the Bill referred to the Common Lodging-houses Act, which applied to the whole country, it was thought proper to extend the application of the Bill. Except for the purpose of defeating the Bill, he could not understand the reason of postponing its consideration.

SIR WILLIAM JOLLIFFE said, that the object of the Bill was hardly urgent enough to induce the House to pass it at this period of the Session. Moreover, the whole Bill was drawn up so unintelligibly that it would take a long consideration to make the enactments clear to an ordinary understanding.

MR. AYRTON observed, that the usual Chairman of Committees had left the House exhausted. He was also exhausted, and, desiring to be present at the business of the House to-morrow, and not thinking that matter now under consideration of sufficient importance to keep the House sitting at one o'clock in the morning, he moved that the Chairman report progress.

MR. COX seconded the Motion. As a Metropolitan Member he was opposed to the whole measure, on the ground of its provisions which were a gross outrage upon the poorer classes of the country, and would place the whole metropolis in the hands of the police.

Motion made, and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

MR. P. O'BRIEN said, that the object of the Bill was to prevent the overcrowding of the dwellings of the poor, and he maintained that it was necessary to add to the enactments of the Common Lodging-houses Act the provisions of the present Bill. The lateness of the hour had been alluded to, but it was not too late to provide for the comfort of the poor by improving the state of their dwellings.

MR. JOHN LOCKE said, he objected to this Bill because it interfered with every man in the metropolis and throughout the country as to the mode in which he chose to live in his own house, and enabled the police to enter every man's private dwelling at any time. The object of the measure was a selfish one. It interfered not for the protection of the poor, but for that of the rich, who said, "Your misery may lead to our misfortune; we shall suffer because you may breed disease." The noble Lord at the head of the Government had stated that the opposition to the Bill proceeded from speculative builders, but this was not the case. He opposed the measure because it was ridiculous and absurd, because it infringed upon the liberties of the subject, and because it turned the poor out into the streets without providing them with any new accommodation. The Act did not apply to Ireland, and Irish members, therefore, might allow him and others to maintain the miserable old doctrine that 'every Englishman's house was his castle.' The interference of the police in the domestic affairs of life was already quite sufficient, and he was decidedly opposed to giving them any further powers.

VISCOUNT PALMERSTON said, it was plain where the shoe pinched. This was a question between speculating builders, who wished to overcrowd the houses they erected, and the poor who were the victims of their cupidity. The hon. and learned Gentleman said that an Englishman's house was his castle. In this case every builder's house was his dungeon; and it was into this unhealthy dungeon that, for the sake of private gain, they crowded a number of persons, who could not live together with safety to either body or mind. The hon. and learned Gentleman suggested that Irish Members had no business to intrude their opinions in a matter of this sort. He (Lord Palmerston), however, contended that of all Members in this

House they were most called upon to support this Bill, because there was an immense number of Irish poor in this metropolis, who, being strangers here and depending entirely upon their personal industry for support, were perhaps more interested in this question even than the natives of England. It did honour, then, to the hon. Gentleman opposite (Mr. P. O'Brien) that at personal inconvenience he stayed here to support a Bill which so deeply affected his fellow-countrymen. As to the question of time, that was a common-placed, stereotyped argument, which hon. Members, who felt they could not oppose a Bill upon its merits, frequently brought forward. He hoped the Committee would listen to no argument of that sort. Every objection which had been urged against this measure applied equally to the Lodging-house Act, which we prove to have conferred the greatest possible benefit on the poor in this metropolis, and he trusted that the Committee would defeat the attempt to throw out this Bill, and would thereby complete the good work which that Act had begun.

LORD ADOLPHUS VANE-TEMPEST said, he did not believe there was one hon. Member in this House who would oppose this Bill from a wish to promote his popularity among any section of his constituency. He had every desire to promote the improvement of the lodging-houses of the poor, but he could not agree to such a despotic measure as this, which would enable the police to enter every private dwelling-house in the country, being proceeded with at half-past one o'clock in the morning.

MR. HENLEY said, he thought it would be a great pity if after the discussion of the Bill on the previous night the House did not endeavour to amend it. If it could not be amended, then let it be put an end to. The noble Lord had rather provoked hostilities, by charging those who opposed this unintelligible Bill, with being actuated solely by a desire to further the selfish interests of those capitalists who built great dungeons for the poor. He could assure the noble Lord that he had had a good deal to do with Bills of this nature, and when the first of this class of Bills was brought in by a noble Lord, now in another place, it was even more unintelligible than this, and yet, that noble Lord used precisely the same language as that used that night by the noble Lord at the head of the Government against those who wished to make it intelligible. That Bill was referred to a Committee upstairs, with the view of putting it into a working shape, and when it came back it was as different from the Bill in its first shape as a white from a black horse. He would suggest that it should be so altered as to make it applicable to common lodging-houses alone, and not to private dwellings.

MR. COWPER said, that the Bill was not intended to be applied to any private dwelling-house, its object being directed to common lodging-houses alone. If hon. Gentlemen would allow the Committee to proceed, he would alter the clause so as to declare it applicable to common lodging-houses alone.

MR. AYRTON said, he had frequently before that evening resorted to Motions for delay, when the Government attempted at an early hour in the morning to carry arbitrary and despotic measures by means of the majority which was always ready to do their bidding. The insinuations of the noble Lord at the head of the Government against those who opposed the Bill was altogether unfounded. The Bill was never intended to regulate common lodging-houses. If that were its object, it was not wanted at all, as the Common Lodging-houses Act was sufficient for such a purpose. Nor would it affect the builders of that class of houses referred to, but only the poor tenants, who would be liable to be summoned before a magistrate for breach of its provisions. The real aim of the measure was to place the dwellings of the poor under the surveillance of the police, and to subject the country to an odious system of domiciliary visits.

MR. KNIGHT said, he regarded this as only one of a series of stringent measures for increasing the power of the Government over the subject, which ought to be strenuously resisted. The police ought to be strictly confined to their single, proper duty — the prevention of crime; otherwise, the same system of gradual encroachment which had enslaved the nations of the Continent would be insidiously extended to this country.

MR. NICOLL said he was not a Metropolitan Member, and had no connection with speculative builders. He regarded this Bill as a step towards the policy of the French Government, which was to pull down the dwellings of the poor, and erect in their stead houses which the rich only could afford to occupy. He believed this Bill to be extremely dangerous in its principle, and he would oppose it by every constitutional means.

MR. P. O'BRIEN said, he must complain of the presumption of the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) in laying down the law for the House on every possible occasion. They all admired the eloquence for which that hon. and learned Gentleman was distinguished, although it must be confessed that he was prone to be a little too lavish with it; and at the close of the Session his lengthy harangues were particularly unseasonable.

MR. RIDLEY said, that he must beg to repudiate the unworthy motives to which the noble Lord at the head of the Government had described the opposition offered to this Bill.

LORD ADOLPHUS VANE-TEMPEST said, it was clear from every word of the Bill that it was intended to be applied to the private dwellings of the poor, and not to common lodging-houses. He had no wish to perpetuate the present state of things, but he thought that at two o'clock in the morning it was time to report progress.

MR. HENLEY said, that there was no chance of passing the Bill through Committee at that hour.

MR. KINNAIRD said, he would express a hope that the clauses would be agreed to.

MR. COX said, he thought the Chairman ought to report progress, in order to allow the noble Lord at the head of the Government an opportunity of reading the Bill, of which it was evident he knew nothing. Had the noble Lord ever read the *History of England?* If he meant to play Wat Tyler with the people of England they would be able to find persons to play the tyrant against him.

SIR WILLIAM JOLLIFFE said, he also must disclaim the imputation that had been cast upon him of having opposed the Bill from unworthy motives. He had opposed it lest its stringent provisions should disgust the people with that beneficial enactment, the Common Lodging-houses Act.

VISCOUNT PALMERSTON remarked, he did not know what was meant by saying that the Government had imputed base motives to those who opposed the Bill. If any imputations had been caste, they had been rather cast upon the Government by those who opposed the Bill, that under the semblance of improving the Common Lodging-houses Act, they were attempting a tyrannous interference with all private houses, and that they sought to establish domiciliary visits. The hon. Member for Finsbury had even gone so far as to impute to him a desire to imitate the example of a person whom the hon. Member conceived to be a great tyrant. If the hon. Member inquired within the limits of his own borough into historical facts he would acquit him of any display of arbitrary Government and tyranny, as resulting from an imitation of Wat Tyler. He earnestly hoped the Committee would adopt the Amendment of his right hon. Friend (Mr. Henley), which the Government were quite willing to accept.

Question put,

The Committee *divided:*—Ayes 22; Noes 35: Majority 13.

Question, "That the word proposed to be left out—stand part of the clause;" put and *negatived.*

Amendment made.

Clause as amended, *agreed to.*

The House resumed. Committee report progress; to sit again on *Thursday.*

House adjourned, at a quarter before Three o'clock.

HOUSE OF COMMONS,

Wednesday, August 19, 1857.

MINUTES.] NEW MEMBER SWORN.—For Beverley, Henry Edwards, esquire.

IMPRISONMENT FOR DEBT.

QUESTION.

MR. HADFIELD said, he wished to ask the Secretary of State for the Home Department whether the Government intend to bring in a Bill next Session of Parliament to abolish imprisonment for debts contracted without fraud.

SIR GEORGE GREY, said that the matter was under consideration, but he could not give any pledge on the subject.

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Justices may authorize search of suspected premises).

MR. ROEBUCK said, he would beg to ask for information as to the intentions of the hon. Member for Devonport (Sir E. Perry) with regard to this Bill, as the course determined on would to a great extent influence his opposition to the Bill. He should oppose the further progress of the Bill if clauses were not introduced making an overt act preliminary to the issuing of a warrant, and giving power of appeal from the decisions of the magistrates.

Sir ERSKINE PERRY said, he would adopt the suggestion that two justices should have the power of issuing a warrant under the Act, and that two justices should decide the case instead of one. He would also accept the Amendment of the hon. and learned Member for the Tower Hamlets, making some overt act an essential preliminary to the institution of proceedings, and he would consent to an appeal to the Quarter Sessions being given.

Mr. JAMES WHITE* said, he was favourable to the principles of this Bill, and he was sure the Committee would concur in approving any proper measure, having for its object the suppression of the sale of publications diffusing such moral poison. This almost unanimous feeling of the Committee would render it the more necessary that, in a laudable zeal for a good object, they should be careful not to over-step the limits of a wise discretion and inflict a signal wrong on innocent individuals. So whilst admitting that immense mischief might result from the present unrestrained sale of obscene publications, yet it must be the care of the Committee that their remedy for an acknowledged ill should not be worse than the disease. Hence he ventured to add that this species of legislation was one in which Parliament ought not to indulge without the greatest caution. As this Bill came down from the Lords—on a random information, before a single country magistrate a warrant might be issued to a policeman, who thereby would be empowered (as in despotic states) to make domiciliary visits, that is, to forcibly enter any house, breaking open doors, and forcing open desks and drawers, rifling any cabinet or escritoire, indeed, ransacking one's most private documents or papers, and, moreover, destroying, *without appeal*, any pictures, print or book, which might be deemed obscene. Since he came into the House, he (Mr. White) was glad to be informed that the Secretary of State for the Home Department would, on a later occasion, make such Amendments in the Bill as would, perhaps, remove its most obnoxious features. This was absolutely required; for to pass the Bill in its present shape it would be imperatively necessary to insert an interpretation clause, or pass a special law to first define what was obscene. He would beg to remind the Committee that there were many truly pious and conscientious persons who deemed all representations of the nude or undraped human form as obscene; and moreover, held that, except when confined to art purposes and studies, such representations were decidedly unfavourable to public morals. Some hon. Members, it would seem, did not agree with him in this opinion. He had in his mind an instance strongly corroborative of what he had before said. In the United States there was a law which decreed the destruction of any obscene publication which might be imported thither. It happened, curiously enough, not long ago, that an American traveller, returning home from Italy, brought with him a copy of that well-known work, describing, with figures, the principal statues, paintings, &c., of the Royal Museum at Naples. The name of this work is *Museo Borbonico Reale;* its value some £30 or £40; and we have it in the library attached to the House. Now, this very work was, by the Collector of the Customs at New York, deemed obscene; and was then and there ruthlessly destroyed. Since the introduction of the Bill under discussion, he had taken the pains to again look over this work in their library, and he would put it to any hon. Member conversant with its contents, whether such a work (published under Royal authority), could be called obscene; except by one of that class of persons who held the extreme opinions he had before intimated, as to the mischievous effect of all representations of the nude, whether in pictures, statues, &c. Indeed, such scruples, albeit conscientious, were shown to exist in high places even, as was evidenced in the memorable Crystal Palace controversy. Further, to illustrate the difficult and delicate ground they were treading on, he would mention that it was whispered out of doors, that in the event of the present Bill becoming law, it was the intention of certain persons to publish selections from the literary works of the noble and learned Lord (Lord Campbell) who introduced this Bill into the other House, and, moreover, cause them to be made subject to the effects of this new statute. He was not sufficiently acquainted with the writings of the Lord Chief Justice, nor could he say whether any of them would be amenable under the proposed law. It was some years since he had read the *Lives of the Lord Chancellors;* and the learned Lord's more recent work, the *Lives of the Chief Justices*, he had, as yet only glanced over, so he must leave to hon. and learned Members better acquainted with the lucubrations of the noble author to decide the question. He had said enough; and he was sure the Committee would not be slow to recognise (and he trusted would remedy) the practical difficulties in the enforcement of a law, to the scope and principle of which he was, as he had before said, entirely favourable.

The LORD ADVOCATE said, it had been supposed that he was averse to the application of the principle of this Bill to Scotland; but the fact was, that the common law of Scotland already accomplished there what the Bill contemplated.

Mr. AYRTON said, he wished to propose an Amendment providing that two householders should be required as security in the case of an information. As the Bill at present stood any unknown person might lay an information against a tradesman's house, which upon that information might be broken open, and his stock in trade ransacked. Such person would have no redress if the information had been laid maliciously.

Amendment *negatived*,

Sir ERSKINE PERRY said, it was not his intention to press the Amendment of which he had given notice, namely, in l. 14, after the word 'exhibition' to insert the words 'for gain.'

Mr. AYRTON said, he proposed to do so for the hon. Member.

Mr. ROEBUCK said, that the exemption was important, as he had no faith in the merciful construction of the Act by magistrates. There was no guarantee that advantage would not be taken of the Bill to effect other objects than were contemplated by it. In justification of a similar statement which he had made last Wednesday, and which the hon. Member for Horsham (Mr. S. FitzGerald) said was a libel on the magistracy of England, he begged to read a letter from Lord Brougham, in which his Lordship said,—

> "In case any one disputes the possibility of a magistrate using an Act made for one purpose to accomplish another, you may remember that in 1841 I presented a petition from some poor men who were imprisoned for nonpayment of what is called Queen Elizabeth's shilling. They were brought before a justice for poaching, and from some informality could not be convicted. So the worthy magistrate asked if they had been at church last Sunday. It appeared they had not been to church for four Sundays, so forthwith they were fined 4s. and the costs, and in default were committed. Upon the petition being presented Lord Lyndhurst, who was then Chancellor, obtained their release, and I doubt if the justice ought to have been left in the commission."

Sir GEORGE GREY said, the only objection the Government had to the words being introduced was that prints might be exhibited in a shop window to induce people to go into the shop to purchase, and a question might arise whether that were an exhibition for gain. He had consulted a high authority on the subject, who was of opinion that such an exhibition would be for gain, and therefore the words might be introduced.

Amendment *agreed to.*

Sir ERSKINE PERRY moved after the word 'any' to leave out the word 'Justice,' and insert the words 'Stipendiary Magistrate or for any two Justices.'

Mr. CLIFFORD said, it was essential that they should be careful in the powers they gave to magistrates. He knew a gentleman who publicly stated in Exeter-hall that he had purchased for a large sum an engraving of a picture of Correggio, and had immediately made an *auto da fe* of it. Of course people might say in that case a fool and his money were soon parted; but that gentleman was one who was very likely to rise to the position of a stipendiary magistrate, and in that position he might run a muck against all works of art that did not square with his ideas of morality.

Clause *agreed to;* as were the remaining clauses.

Mr. JOHN LOCKE moved the insertion of a clause giving an appeal to Quarter Sessions.

Clause *agreed to.*

The House resumed. Bill *reported,* with Amendments; as amended to be *considered To-morrow* at Twelve o'clock, and to be *printed.*

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order for Committee read.

House in Committee, Mr. FitzRoy in the chair.

The ATTORNEY GENERAL said, he had now to bring up a clause which he proposed to substitute for Clause 8, relating to the constitution of the Court. It was to the effect that the Lord Chancellor, the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Peas, the Chief Baron of the Court of Exchequer, the senior puisne Judge for the time being of each of the above-mentioned Courts, and the Judge of the Court of Probate should be the Judges of the new Court. The only alteration which this clause would make in the Bill was the addition of the senior puisne Judge of each of the three Courts of common law.

Clause *added* to the Bill.

THE ATTORNEY GENERAL said, he had to submit another clause empowering the Judge of Assize, or any other person named in the Commission of Assize or *nisi prius*, the Chairman or Assistant Chairman of Quarter Sessions, and the Recorder, who were the Judges nominated to exercise the local jurisdiction created by the Bill, to impanel juries and hear and determine petitions precisely as the Court itself would be able to do, and also providing that the orders of such local tribunals should be entered and treated in every respect as if they had been originally made by the Court.

MR. HENLEY said, he thought that the clause failed to provide the local tribunals with the requisite machinery for exercising the powers which it conferred upon them. He would suggest that the officers of Quarter Sessions, both in boroughs and counties, should be made available for that purpose.

THE ATTORNEY GENERAL said, he begged to remind the right hon. Gentleman that under the 34th clause the Court had power to make rules and orders upon the sheriff for procuring juries. The words of the clause now proposed would give the local Court the same power.

MR. HENLEY observed, he still did not see what machinery was provided for the local tribunals.

MR. AYRTON remarked, that the Court of Assize was a Court *pro hac vice* only, and until the commission was opened no steps could be taken.

THE ATTORNEY GENERAL said, that his original Motion was to give the jurisdiction to the Quarter Sessions; however, he had since substituted for that the personal authority of the Chairman or Assistant Chairman. He now thought it would be better to withdraw the clause and bring up a new one on the Report.

MR. SEYMOUR FITZGERALD said, he was against entrusting the jurisdiction to the Courts of Quarter Sessions; though he understood how it might be committed to the Chairman or Assistant Chairman individually.

MR. T. J. MILLER said, he disapproved the Court of Assize as a tribunal to carry out this Bill. He also admitted there were objections to the Quarter Sessions; but, upon the whole, he believed they were the best existing local tribunals to which this business could be entrusted.

MR. PULLER said, he thought country gentlemen were the fittest to adjudicate in such matters; he hoped, therefore, the hon. and learned Attorney General would adhere to his original proposal, and entrust that jurisdiction to Quarter Sessions.

MR. BOVILL said, that if the Judges of Assize had to assume this new duty special machinery must be provided to enable them to fulfil it.

MR. PAULL was understood to appeal to the hon. and learned Attorney General on behalf of the Recorders, who were generally very much underpaid.

THE ATTORNEY GENERAL said, if the Committee pleased he would withdraw this clause, and upon the Report would re-introduce the original clause. He would also take care to insert such words as would make the whole machinery of the Courts of Assize and Quarter Sessions applicable for business to be done in consequence of this Bill.

Clause *withdrawn*.

THE ATTORNEY GENERAL said, he rose to propose a clause providing that a husband might petition for damages to be paid by the person who had committed adultery with the petitioner's wife. The claim so made should be tried in the same manner and upon the same principles as the existing action for *crim. con.*, and if damages were recovered upon the verdict of a jury, the Court should have power to direct in what manner they should be applied, whether settled upon children, or for the maintenance of the wife, or in any other manner.

MR. BOVILL observed, that he regarded the clause most approvingly, as it virtually restored the punishment of the adulterer, and afforded some compensation to the injured husband. The Bill, however, professed to be based upon principles of mutual equity between the husband and wife, but there was no provision that the injured wife should receive damages. He would suggest that if the husband could recover damages an injured wife should be allowed to claim damages from the husband who had wronged her.

MR. ADAMS said, he begged to tender his cordial thanks to the hon. and learned Attorney General for the clause, which was a very reasonable one; for it would have been very hard to absolutely deprive the husband of all claims for compensation from the adulterer. There were cases in which a divorce was not sought, but in which, nevertheless, the adulterer ought to be made to suffer for his wrong-doing. The hon. and learned Gentleman last night had pictured the case of a married woman working in a factory and seduced by her employer, who obviously would have opportunities, which it would be difficult if not impossible to guard against. He (Mr. Adams) himself had known of an instance in which a married woman, possessing very great personal attractions, was employed in a mill, and by her earnings was enabled to support a sick husband and two young children. She attracted the attention of the overlooker in the mill, who made dishonourable proposals to her, which she at first rejected, but afterwards, overcome by his importunities, and with the alternative of starvation for her children and husband, she permitted herself to break her marriage vow. In that case the husband, when he learnt the facts, did not wish for a divorce against the woman who had sinned indeed, but sinned from a feeling of affection. The only resource for the poor husband was to demand damages from the man who had seduced the woman under such circumstances. To meet such cases the provision of the hon. and learned Attorney General would be most valuable.

MR. MALINS said, he wished to express his entire satisfaction with the clause, which, in effect, embodied and carried out, though in a different manner, the old action of *crim. con.* He thought one of the great blemishes of the Bill would be thus removed. As a discretion would be left with the Court as to the distribution of the damages, he wanted to know whether in the case of a rich husband, who would have no difficulty in providing for his children, and who could possibly have no desire to gain wealth through his wife's dishonour—whether in such case it would be open to the Court to appropriate the damages for the benefit of some charity. [The ATTORNEY GENERAL dissented.] Well, he would not attempt to force the suggestion upon his hon. and learned Friend; at all events, it would no longer be open as a charge against the law of England that a man could bring an action for the price of a dishonoured wife.

MR. BUTT said, he approved of the clause, but he entertained a doubt whether in its present shape it would permit the wife to be heard in her own defence upon any proceding for damages against an adulterer.

MR. AYRTON said, he was anxious to explain that those who had divided the previous evening against the clause which abolished the action of *crim. con.* had done so, not from any desire to see that form of action continued, but because they had failed to elicit from the hon. and learned Attorney General any pledge that he would provide some substitute.

MR. PULLER said, he regretted that the Government had not taken advantage of the present opportunity to make adultery punishable on all parties.

SIR JOHN TRELAWNY said, he wished to know whether the proceedings in the proposed petitions for damages were to be public, as he believed one of the objections that had been raised against the old action for *crim. con.* was that it led to the publication of objectionable details. He should also like to know whether a wife was to be made a party to suits of this nature and who was to find money to enable her to defend herself. With respect to claims for damages, he thought they must be very careful not to encourage women to commit adultery in order to benefit their children.

MR. MALINS said, he wished to know whether the right to petition for damages was limited to cases in which there was a petition for divorce or for judicial separation.

THE ATTORNEY GENERAL intimated that the clause was not so limited.

MR. MALINS rejoined, that he was glad to find that a man might punish the adulterer without being compelled to divorce his wife. With respect to the publicity of the proceedings he thought that was inevitable, and should be very much disinclined to see any secret tribunal established in this country.

Clause *added* to the Bill.

THE ATTORNEY GENERAL said, he now had to propose a clause to the effect that, when any clergyman of the church of England should refuse to perform the marriage ceremony between persons who but for such refusal would be entitled to the performance of that ceremony, then it should be lawful for any other minister of the Church of England, licensed within the diocese in which the parties resided, to perform such ceremony.

Clause *brought up*, and read 1°.

MR. MALINS said, that no doubt the allowing clergymen to refuse to marry any person divorced involved a difficulty with regard to such persons being married in the parish church, and that difficulty was met by the clergyman who had so refused being compelled to give up his church. If, however, it were intended to give way to the conscientious scruples of the clergy in respect to the performance of the marriage ceremony under such circumstances, he thought that the Government should carry that principle thoroughly out, and not require a clergyman to surrender his church or chapel for the performance of a religious ceremony to which he himself had strong conscientious objections. All clergymen were very particular as to whom they allowed to preach in their churches; and you could not touch a clergyman on a more tender point than the surrender of his church for the performance of any service of which he did not approve. The church was his freehold, was committed to his care, and he felt bound not to permit anything he conceived to be wrong to be performed in it; and if he was entitled to believe the marriage ceremony wrong, he was entitled to believe it so, whether it was performed by himself or any other person. The object of the Government was to conciliate, and therefore he earnestly pressed on the hon. and learned Attorney General whether it would not be better to let the Bill stand as it did, at least until it was found absolutely necessary to make some such provision, which he did not believe would be necessary.

Sir GEORGE GREY observed, that this clause had been brought up in fulfilment of the promise made yesterday by his hon. and learned Friend the Attorney General. The object of the clause was to enable divorced parties to be married in their parish church by a clergyman who did not object to do so, when it happened that the clergyman of the parish had conscientious scruples which prevented him doing so. In the case of large parishes such a provision was necessary, otherwise considerable inconvenience might arise.

Mr. PAULL said, it was clear the church was the clergyman's freehold, and it was left to his discretion to say what were reasonable services to be performed in it. He wished to ask what form was necessary to make a clergyman, who locked up his church to give up the keys? Who was to force him to do it, more especially if he was backed up by his Bishop, and what was the form of proceeding to enable one clergyman to go for this purpose into the church of another?

Mr. Malins

Sir GEORGE GREY remarked, the case supposed was not likely to occur. He could hardly conceive it possible that a clergyman and his Bishop would set themselves so directly to oppose the law.

Mr. BERESFORD HOPE said, he thought this proviso was calculated to do away not only with all the graciousness but with all the benefit of the concession made last night by the hon. and learned Attorney General. It had no necessary connection with it, but was, on the contrary, wholly different in principle. If the Government had refused any concession, upon the ground that the clergy were the mere slaves of Parliament, bound to admit all doctrines which the omnipotence of Queen, Lords and Commons might enact, he could have understood the principle, while believing it untrue. But by their concession they had abandoned this ground, so he called on them to give consistency to that concession. If there was one principle more clearly established than another, it was the identification of the incumbent and his church. The very name by which he went, *persona ecclesiæ* proved this. No one could officiate in the church but himself, or his curate, or some other clergyman by his permission, who must be assumed to be for the time being his curate. And yet by the proviso it appeared that though the objecting clergyman was not to be compelled to perform the marriage service himself in the case of divorced parties, yet he was to be forced to open his church to another clergyman, who would be his curate *pro hâc vice,* to perform the service. He was to be forced to admit a substitute to do that which he would not do himself because he regarded it as a profanation and a sacrilege. There was an old axiom, *qui agit per alium agit per se.* The clergyman would *per alium* become guilty of the profanation and sacrilege. And in whose behalf was this to be done? In behalf of persons who had committed a great sin in the sight of God and man. The nice scruples, fine feelings, and delicate susceptibilities of these persons were to be carefully guarded, and they were on no account to be put to the shame and disgrace of being married out of their parish church. The Home Secretary spoke of the difficulties that might arise in large parishes, but the proper remedy in such cases was to permit the solemnization of marriages in every church in large towns. He hoped that this proviso would not pass, as he was anxious that what was meant to be a concession to the clergy, of whom eleven-sixteenths had made this solemn protest, should in reality be so. He was anxious that by their answer to the protest, the Government might send peace and not a sword into the Church.

MR. PAULL said, he would beg again to inquire what mode of proceeding would be adopted to force the clergy to allow such marriages in their churches.

MR. AYRTON said, he thought that hon. Members on the ministerial side of the House had reason to complain of the statements made on the other side, that there was a unanimous feeling yesterday in favour of the concession made to the clergy. He believed the proposition respecting the clergy would have been almost unanimously rejected by hon. Members on the ministerial side, had it not been that they were promised a qualification which would reserve the rights of the laity. There never was a greater concession made to personal scruples than this. They heard yesterday from the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), that it was the doctrine of the church to recognize these marriages, and yet they had given in to the scruples of individual clergymen on the subject, not sanctioned by the doctrines of the Church of which they were ministers. He did not now complain of the concession which had been made, but he objected to the attempt being made to separate that concession from the question now before the House, and regarded that attempt almost as a breach of faith. He contended that great injustice would be done to the laity if the condition proposed by the hon. and learned Attorney General were not accepted by the Committee. The use of the parish church was a right vested in the laity as much as the right to minister in it was vested in the clergyman; and the laity had a right to say that, though they would respect the scruples of their minister, they would nevertheless insist upon having the use of the parish church for purposes not inconsistent with the doctrine of the Church of England. They were bound to legislate for the great majority, as far as they could, and not merely for the small minority of the Church, and he would remind the hon. Members that the Church consisted of laity as well as clergy. Enough had been done to satisfy the scruples of the clergy, and he hoped Gentlemen opposite would not oppose the clause with the qualification which was considered an indispensable condition by the majority of the Committee.

MR. NEWDEGATE was understood to express a hope that no one would doubt that he was a Protestant when he objected to having his opinions represented by any one but himself in that House. The hon. Member for the Tower Hamlets (Mr. Ayrton), might arrogate to himself the right of expressing the feelings of those who sat on his own side of the House; he (Mr. Newdegate) spoke only for himself. The hon. and learned Attorney General, in making his proposition yesterday, warned them that this concession was not unlikely to produce disorganisation in the Church. He Mr. Newdegate) felt the force of that warning. And now the Committee saw the conclusion at which they arrived. The Church of England was strictly divided into parochial districts. He looked upon the clause as an attack upon that system, and he therefore thought that upon that point the hon. and learned Attorney General was wrong. He could not concur in the arguments of the hon. Gentleman opposite (Mr. Arytou) in respect to that portion of the clergy of the Church of England who conscientiously objected to the marriage of divorced parties. He disputed the fact that what was alleged to have occurred, on the occasion referred to, had determined the doctrines of the Church of England on this point. He contended that those who objected to the re-marriage of the parties had strong grounds for their objections, and he trusted that they would not be considered sectarian in consequence. It appeared to him that the clause as now framed would lead to an infraction of the parochial system, which he considered as essential, as far as anything could be essential, to the proper ministration of the offices of the Church. Why, he asked, should not the Court that granted the divorce give a licence to the parties to be married elsewhere than in their own parish church? Why should not the Court take cognisance of such matters and follow practically the example now set by the House of Lords? The parties who were thus anxious to be married need only walk a little way over the boundaries of their own parish and have the ceremony performed in the next parish church, pursuant to the licence granted them by the Court, if the minister of such church had not any conscientious objections to perform the ceremony. But he trusted that the conscientious feelings of the clergy upon this question would not be used to break up the parochial system of the Church of England. Much grievous confusion would, he thought, be avoided by the adoption of the simple remedy he suggested, namely, that of empowering the Court that granted the divorce, to give the parties a licence to be married elsewhere than in a church the clergy of which objected to perform the marriage ceremony in regard to parties who had been divorced on the ground of adultery.

Mr. RIDLEY said, he must express his surprise and regret that the understanding which had accompanied the acceptance of the concession which had been made to the consciences of the clergy the day before, was now to be questioned. Unless he and those on his side of the House had understood that the concession was to be taken as a whole, it would not have been assented to and allowed to pass *sub silentio* by those who were of opinion that the clergy were bound to obey the law, but who were yet willing to yield something to their conscientious scruples. He trusted that the opposition to the proviso would not receive encouragement from those hon. Gentlemen who sat on the front benches of the opposite side of the House.

Lord JOHN MANNERS said, he was surprised to hear the hon. Gentleman state that hon. Members on his side of the House had entered into any agreement with the Government to accept the proviso as shadowed out by some observations of the hon. Member for the Tower Hamlets (Mr. Ayrton). They had entered into no such agreement with the Attorney General. So far from having done so, they had voted against that hon. and learned Gentleman's proposition. And now they were to be told they were absolutely precluded from urging their objections against the proposed clause, because they had accepted the proposal of the Attorney General, which they had on the contrary opposed. He confessed he regarded the Amendment of the Attorney General with very little favour. It was but a partial and inefficient concession to the scruples of the clergy. It was, however, rendered much more objectionable by the proviso which had been introduced into it at the instance of the hon. Member for the Tower Hamlets. He was a little surprised when the hon. and learned Attorney General yesterday said, that the concession he was about to make would probably turn out to be a fatal boon bestowed upon the clergy. He could not conceive how a concession to the conscientious scruples of no less than 11,000 of the clergy of this country could be regarded as a fatal boon, or how it could be fraught with injurious consequences to the Church. But viewing that concession by the light that now streamed on it, he (Lord J. Manners) owned that the hon. and learned Gentleman had good reason for saying he was bestowing a fatal boon upon the clergy. He wished the Committee before they sanctioned this new proposal, to consider what would be its effects on the parochial clergy. It was clear it was contrary to the settled order and constitution of the parochial system. Hitherto no clergyman had been permitted to trespass upon the sacred functions of another. Were they, for the first time in the history of the Church, in a thin House to infringe this great principle, and import into the relations of Church and State this novel and fertile source of strife? But they were told that the clergy were bound to obey the law. So they were—or to throw up their cures. And he apprehended that a consideration of that alternative was at the bottom of the concession which the Government had made. It was recollected that only a few short years ago that alternative had been submitted to the clergy of one of the Established Churches of this realm; and the Committee was aware that a large portion of the Prussian clergy were only retained in the performance of their functions because the State, according to Von Gerlach, connived at their violation of the law. And why? Because the State knew that if they ejected those conscientious clergymen from their cures, for disobedience to the law, they would bring about a state of things infinitely worse and more mischievous than the present. Baron Von Gerlach, in speaking on this matter, allowed that there was an element of lawlessness in the conduct of the clergy. "But," he said, "this defiance of the law is sacred; it is the germ of Divine right; it is like what took place in Jerusalem when the Apostles said, 'We ought to obey God rather than man.'" It became, then, a matter of expediency, on the part of the State, and he would ask the Committee to consider whether the proviso of the hon. Member was not calculated to bring about that state of things in which the clergy must either retire from their cures or obey the law. The question then came, whether it was desirable to drive things to that pitch when it became necessary for any considerable section of the clergy to consider whether they should obey the law of God or man. He supposed it was the conviction that it was not, that led the Government to make the very limited concession which they had done on this point, but which it was now proposed to deprive of all its grace by the addition of the present proviso. They were going to call in one of the neighbouring parish priests to do that in a church which the clergyman of that church conscientiously thought should not be done. Could anything be conceived more likely to excite strife and heartburning amongst the clergy? But the hon. Member for the Tower Hamlets said that this clause would inflict injustice upon the laity of the Church of England, and he spoke as if the whole body of the laity were about to commit adultery. But all that they were about to do was to say that those who committed this heinous sin against God and man should not be married in the parish church if the clergyman had a conscientious objection to it. He did not think that even if they were bound, which he did not admit, to consult the feelings and susceptibilities of the adulterer and adultress—he did not think that these persons could be desirous to be re-married in the very church in which, perhaps, they had been one or both of them first united. Could it be supposed that any person would wish to be united in such wedlock in that church where his or her first and purer marriage had been celebrated? Was it not likely that they would prefer to be married in any other church than that with which all their holier, happier, and purer aspirations were connected, and where their history was not known? He hoped the Committee would reject the proviso.

MR. PULLER remarked, that this proviso had been suggested without considering the great offence which it would most assuredly give to the consciences of the clergy. There was no great necessity for it, for there would be, generally speaking, little sympathy with those divorced persons, and if an adulterer had to go to another parish to reside three weeks before being re-married, or to the superintendent registrar's office, the general feeling would be that it served him right. If those who had to seek about for a clergyman to remarry them were restricted to clergymen within the same diocese, the enactment would be a dead letter, for no clergyman would be disposed to encounter the odium and ill-feeling which would be engendered by his taking possession of his neighbour's church and performing there a service which was opposed to the religious scruples of the incumbent. By the clause carried yesterday by the Government the remarriages of those persons made were an open question in the Church of England; those who were opposed to them would probably enunciate their views from the pulpit, but how greatly would the respect of the congregation for their pastor be diminished if they saw a neighbouring clergyman brought into their church to perform a marriage which the day before they had been told from the pulpit was contrary to the law of God.

SIR DENHAM NORREYS said, he thought the Government as firmly pledged to carry this proviso to the best of their power as they were to any enactment to which they had given their support.

SIR WILLIAM HEATHCOTE observed that this step taken by the Government was one of the most unfortunate they had taken during this discussion. It was calculated to do away with the effect of the concession they had made the previous day, and would deprive it of all its grace. The Government had stopped short of the concession which was required to meet the scruples of all the clergy, but was that any reason why they should clog what they had assented to by an ungracious restriction? He viewed with alarm the dangerous innovation this proviso would introduce into the parochial system, as it would give an adulterer who did not shrink from exposing his shame an opportunity of indulging any antipathy he had conceived against the clergyman of his parish by calling in another clergyman to marry him; and the result would be to create and perpetuate enmity and strife between this man and the clergyman of the parish. On the other hand, a man who did not desire to expose his past life to his neighbours, who might be ignorant of it, would never call their attention to it by attempting to enforce this proviso, which would then become a mere dead letter. He denied that hon. Members on his side of the House had been any parties to a compromise with the Government on the previous day. The concession of the Government was made from a fear of being defeated if they adhered to the Bill as it stood.

THE ATTORNEY GENERAL said, that he certainly considered the proposition of the hon. Member for the Tower Hamlets as part of the arrangement come to on the previous day.

Sir WILLIAM HEATHCOTE said, that if the hon. and learned Attorney General thought so he was no doubt bound by it; but it was clear that hon. Members on that side of the House were free from any such engagement, because they had voted against the concession of the hon. and learned Attorney General, and it could not therefore be said that they, in consideration of receiving it, agreed to accept the present proviso.

Mr. BUXTON said, there was a great difference between the concession made yesterday and that now demanded by hon. Gentlemen opposite. That rested on a conscientious scruple, but this was merely founded on a personal feeling, arising from a mistaken notion that the incumbents were proprietors of the churches.

Mr. HENLEY said, he thought that the hon. Gentleman was drawing rather a subtle distinction. The incumbent, he believed, had always been held to have a property in the church, and no clergyman could go into a church and celebrate Divine Service there without the consent of the incumbent. Unless it could be shown that some injury would be done, the proposition made by the Government yesterday ought not to be clogged with this restriction. The number of cases which the proviso was intended to meet was not large, and he would put it to the Committee which was likely to be the greater inconvenience—that an adulterer who wished to remarry should, if the clergyman of his parish objected to remarry him, be obliged to go and reside three weeks in another parish, or that violence should be put upon the consciences of the clergy? It would have been far easier to wait until the apprehended inconvenience had arisen, and then to make a law to meet it. He believed that the inconvenience would never arise, because if it were not insisted upon as a right, many clergymen would admit others to their churches who would kick against it if it were made a matter of law. What a scandal this provision would create in small parishes, where everything was known, and in what a difficult position would it place a clergyman who was asked to perform the marriage ceremony in the church of another parish. Moreover, whenever the proviso was put in force, it would be carried out in an offensive and ostentatious manner, and thus strife and heartburnings would be created.

Sir JERVOISE JERVOISE said, he believed that if this proviso were not carried, the effect of the clause would practically be, to drive divorced persons to be remarried in the registrar's office; as, if the Bishop were adverse, the churches in the diocese would be closed against such parties.

Mr. NEWDEGATE said, it was not, he believed, the intention of the Legislature to drive these parties to the registrar's office, if they could find a clergyman willing to marry them. And if the opinions of the hon. Gentleman opposite were not opposed to the teachings of the Church of England, such persons would have no great difficulty in finding clergymen willing to perform the marriage service.

Mr. STAPLETON said, he wished to know whether the effect of passing the clause would be to enable the party divorced for adultery to compel the clergyman who was not obliged to celebrate the marriage to proclaim the banns? If that were so, the benefit of the boon to the clergy would be, in a great measure, taken away.

Mr. GRIFFITH remarked, that he should oppose the proviso. He did not think that the benefit which it would confer upon a small number of persons, undeserving of sympathy, would at all compensate for the excitement and scandal which would be caused in parishes where it was put in operation.

Motion made, and Question put, "That the said clause be read 2°."

The Committee *divided:*—Ayes 73; Noes 33: Majority 40.

Clause read 2°.

Mr. NEWDEGATE said, he rose for the purpose of proposing words more thoroughly in the sense in which the Committee had been acting. It was very likely he should be met with a technical objection; but he wished to put on record the fact that when he supported the concession introduced by the Government into the 53rd clause—a concession which he had himself urged—he did not do so blindly. He had supported that concession for the purpose of applying a remedy to an evil, and not for the purpose of creating the difficulty which had evidently arisen with reference to the organization of the Church of England. By the common law of England the church was the freehold of the clergy; and by the Ecclesiastical law the clergyman was accountable for the due conduct of the service, and for the conduct of those who officiated within the church. Under those circumstances there could be no doubt that the law cast a heavy responsibility on the clergy, and they would feel it a most grievous hardship upon them to have it declared, as it would be by the proviso now under discussion, that, no matter how widely the views of another clergyman might differ from those of the incumbent of a particular church, that other clergyman would be empowered to perform in the incumbent's church, a ceremony against which the House itself had, by its own legislation, admitted he (the incumbent) might entertain a conscientious scruple. He (Mr. Newdegate) could not conceive a stronger case; and it appeared to him that their concession had created a difficulty which he, by his support of that concession, had wished to avoid. The concession itself would not have produced a difficulty; but it did so when coupled with the proviso, to which he should, to the last, strongly object. To remove danger to the organization of the Church, he begged to move the insertion in the clause of words providing that the Court which pronounced sentence of divorce might grant to either of the persons whose marriage was thereby dissolved, a licence entitling such person to apply for the performance of the marriage ceremony to any incumbent, not being the incumbent of the parish in which he resided, and that such licence should enable any incumbent to marry such person. He did not think there could be any difficulty in the Committee acceding to that proposition, if they intended, as he thought they had intended, to do an act of conciliation and concession. The Committee should remember that they were now undertaking to decide a point of doctrine. Many hon. Members objected to religious doctrines being considered in that House at all. He did not share in these objections, but he thought that, when the House undertook to entertain such points, it was their bounden duty to preserve the organization of the Church of England. Yet, the proviso which they were about to introduce into the Bill placed them at variance with the great body of the clergy of the Church of England. He might, indeed, say the feeling against it would be unanimous. What the Committee had done was, in the first place, to deal with a matter involving a point of doctrine, and now they were about to interfere with a system of organization that had, for so long a period, prevailed in the Church of England. He begged to propose the insertion of the words which he had just stated.

Sir GEORGE GREY said, that the words proposed by the hon. Member could not be inserted as an Amendment to Clause 53, but should be moved as a separate clause.

The CHAIRMAN decided that the words should be proposed as a separate clause.

On the Question, "That the clause be added to the Bill."

Mr. SPOONER said, he wished to call the attention of his hon. and learned Friend the Attorney General to the fact that, under the proviso as it stood, the clergyman who undertook to perform a marriage ceremony in the church of another clergyman could demand admission for that purpose, without the slightest limitation as to the day or hour. ["No, no!"] Well, he should like to hear the words which provided for any such limitation. In most parish churches there were now three services on Sunday, and in some four; and as most of the lower class, and many of the middle, had their marriages on Sundays, much inconvenience would be felt if some such limitation as that to which he had referred were not provided. The clause itself was of a most offensive character, and perfectly unnecessary, as he (Mr. Spooner) was convinced that, if Parliament legalised such marriages as those contemplated in that proviso, no clergyman, whatever might be his own conscientious scruples, would refuse to grant the use of his church for such purpose, if properly requested; but it was worse than useless—it was very dangerous—as it broke through a most important and long-established principle, that no person has a right to interfere with the ministrations of a church but the clergyman to whom such ministrations had been entrusted.

The ATTORNEY GENERAL said, he considered that every hon. Gentleman who voted with him on the previous day, when he introduced his Amendment to the 53rd clause, had pledged himself to vote for the proviso now under discussion. No inconvenience would, in his opinion, arise from the proviso. With regard to what had fallen from the hon. Member for North Warwickshire (Mr. Spooner), he might add that there was not the least cause for apprehension that the incumbent of any church would be liable to any censure for declining to render up the church when he was performing duty there.

Mr. MALINS said, he had voted with the Attorney General for his Amendment to the 53rd clause, but certainly had not pledged himself to vote for any such proviso. He believed that this proviso would not work, and therefore it did not meet with his approval.

Mr. NEWDEGATE said, that to attempt to move as a separate clause the words he had proposed would at that period of the discussion on the Bill be useless, and he was, therefore, compelled to abandon his attempt to meet a very great difficulty by what appeared to him to be a very simple and unobjectionable arrangement.

Mr. WALPOLE observed, that having stated last night that the concession made by the Government was likely to give general satisfaction to the clergy, he felt bound to say that he thought the proviso introduced by the Attorney General both ungracious and uncalled for; and, further, that it would altogether do away with the effect of that concession. The proviso introduced a new principle, the practical operation of which he doubted would be material to any great extent; but it was unnecessary, and, as he had before observed, did away with the concession intended. The proviso did necessarily interfere with the parochial system of the Established Church, and mischievously, as giving room for differences between clergymen who lived near each other. Supposing the clause to be called into operation—which he hoped and believed it never would—it must necessarily have the effect of diminishing the proper influence of particular clergymen in their own parishes. Even clergymen who did not entertain the conscientious convictions expressed by the great body against the marriage of persons who had been divorced, would be opposed to this interference with church organization. He therefore put it to the Government whether they ought, even now, to persevere in making the proviso stand part of the clause.

Clause, as amended, *ordered to* stand part of the Bill.

Mr. PULLER moved a clause to provide that, in proceedings against a husband for a judicial separation on the ground of adultery, the Court should have power to order that the person with whom he was alleged to have committed the adultery should be made a co-respondent. This provision had been already made in the case of petitions for the dissolution of marriage, and he believed it to be more necessary in these cases.

Clause brought up and read 1°.

The SOLICITOR GENERAL said, he thought the clause would require some consideration. It would introduce a new feature that would involve the necessity of several other changes.

Viscount PALMERSTON suggested to the hon. and learned Gentleman (Mr. Puller) to propose his Amendment on the bringing up of the Report.

Mr. HENLEY remarked, that the course proposed by the noble Lord would be the more advisable one.

Mr. PULLER said, that he had understood the Attorney General to intimate that he would consent to the Amendment.

Motion made and Question, That the clause be read a second time, put, and *negatived.* The Preamble *agreed to.*

House resumed; Bill *reported,* with Amendments; as amended to be considered *To-morrow,* at Twelve o'clock, and to be *printed.*

MARRIED WOMEN'S REVERSIONARY INTEREST BILL.

LORDS' AMENDMENTS.

Order for considering the Lords' Amendments to this Bill read.

Mr. MALINS said, that the Lords had introduced an Amendment which would prevent the Bill applying to existing interests, or to any interest arising before the 31st of December next. He regretted this circumstance very much; but still he recommended the House not to reject the Bill by refusing to agree with any of the Lords' Amendments.

Amendments *agreed to.*

House adjourned at Five o'clock.

HOUSE OF LORDS,

Thursday, August 20, 1857.

Minutes.] 1ª Mersey Conservancy and Docks (No. 2.)
2ª Custom and Excise; Customs.

THE OPIUM TRADE WITH CHINA.

QUESTION.

The Earl of SHAFTESBURY reminded his noble and learned Friend on the woolsack, that on a previous occasion he had undertaken that the question of the legality of the growing and selling opium, and trading with China in that drug by the East India Company, after the treaty concluded with China, should be referred to the law officers of the Crown. He would now ask his noble and learned Friend if this had been done, and what was the result?

The LORD CHANCELLOR said, that pursuant to the engagement into which he entered with the noble Earl, a case in reference to the legality of the East India trade in opium had been submitted to the law officers of the Crown. Considerable delay had, however, taken place in ascertaining what the facts really were, and with that view the case was laid before the Court of Directors of the East India Company previous to being submitted to counsel. The case as amended by the Court of Directors was then laid before the law officers of the Crown. They suggested that further facts should be stated, and those having been supplied, they gave their opinion it the course of the present month. It was not the practice in these cases to lay these opinions before the House; but, as the opinion of the law officers of the Crown had been taken in this instance, intead of that of the Judges, the rule would be departed from. He would state the substance of their opinion. With regard to the first question, the law officers were unanimously of opinion that there was no illegality in the cultivation or sale of opium by the East India Company. With regard to the other question, whether the trade in opium with China was contrary to the provisions of the treaty, their opinion was, that the trade was now carried on as it had been during the whole of the present century, long before any treaty existed, and that there was no violation of the treaty in carrying on that trade; but that as some doubts existed as to whether the trade was not contrary to the spirit of the treaty, it would be expedient to introduce some change so as to avoid remonstrances which might possibly be made.

THE DIVORCE AND MATRIMONIAL CAUSES BILL.

NOTICE OF MOTION.

Lord REDESDALE gave notice, that when the Bill came up from the House of Commons, which he understood would be to-morrow, he would move that the Amendments made in the other House be taken into consideration that day six months. From what he knew of the character of those Amendments, the Bill would come up to their Lordships an entirely new Bill, and he regarded it as one of far too much importance to be considered at that period of the Session, when their Lordships would be deprived of the assistance of those right rev. Prelates whose advice upon such a subject would be most valuable, and of many other noble Lords who were interested in the measure.

Lord CAMPBELL hoped all the labour which had been bestowed upon the Bill in that and the other House of Parliament would not be lost, but that their Lordships would think it their duty to consider the Amendments made in the Bill by the House of Commons. He would venture to iterate what he had said on a former occasion, that it would be lamentable if after the time that had been bestowed upon it, the Bill should be lost.

Lord WYNFORD said, that at this period of the Session, and during the absence of the Bishops, who were all now engaged in their respective dioceses, it would be utterly impossible for their Lordships to sufficiently consider the Amendments which had been made by the other House.

Lord MONTEAGLE expressed a hope that the measure would not be applied to Ireland. There were now very few divorces in that country, and if the Bill before Parliament applied to Ireland it would have a tendency to excite irritating religious differences.

BURIAL ACTS AMENDMENT BILL.

Moved,—

"That a message be sent to the House of Commons, to acquaint them, that upon the Report of the Amendments made by the Committee of the whole House to the Bill, an Amendment was made by leaving out the 9th clause, but by mistake the said clause has not been marked as struck out from the said Bill; and to request that the Commons will give leave that the said Bill may be amended accordingly by the proper Officer of this House."

Agreed to.

GALWAY TOWN ELECTION.

ADDRESS TO HER MAJESTY.

Order of the Day for the Lords to be summoned, read.

Moved,—

"To fill up the blank in the Address of the Commons to Her Majesty with ("Lords Spiritual and Temporal and"); *agreed to.* Then the said Address was *agreed to,* and a message sent to the Commons to acquaint them that the Lords had agreed to the Address, and had filled up the blank: The Captain of the Gentleman at Arms and the Captain of the Yeomen of the Queen's Guard, in the absence of the Lord Steward and the Lord Chamberlain of the Household, to attend Her Majesty with the Address on the part of this House: The Captain of the Gentlemen at Arms and the Captain of the Yeomen of the Queen's Guard to wait upon Her Majesty humbly to know what time Her Majesty will please to appoint to be attended with the said Address."

House adjourned at a Quarter to Six o'clock, till To-morrow, half-past Four o'clock.

HOUSE OF COMMONS,

Thursday, August 20, 1857.

MINUTES.] 1° Markets and Fairs (Ireland). 3° Militia.

DIVORCE AND MATRIMONIAL CAUSES BILL.—CONSIDERATION.

Order for the consideration of the Bill as amended, read.

THE ATTORNEY GENERAL moved the omission of Clause 18 (added to the Bill in Committee), and the substitution of the following:—

> "Application for restitution of conjugal rights or judicial separation on any one of the grounds aforesaid may be made by either husband or wife, by petition to the Court or to any Judge of Assize at the assizes held for the county in which the husband and wife reside or last resided together, or to the Court of Quarter Sessions of the Peace held for the county or borough in which the husband and wife are or were last resident, and which Judge of Assize and Courts of Quarter Sessions respectively are hereby authorized and required to hear and determine such petition according to the rules and regulations which shall be made under the authority of this Act, and the Court or Judge to which such petition is addressed, on being satisfied of the truth of the allegations therein contained, and that there is no legal ground why the same should not be granted, may decree such judicial separation accordingly, and where the application is by the wife, may make any order for alimony which shall be deemed just; provided always that any Judge of Assize to whom such petition shall be presented may refer the same to any of Her Majesty's Counsel or Sergeant-at-law named in the Commission of Assize or Nisi Prius, and such Counsel or Serjeant shall, for the purpose of deciding upon the matters of such petition, have all the powers that any such Judge would have had by virtue of this Act or otherwise."

Clause brought up, read 1° and 2°; amended, and made part of the Bill.

THE ATTORNEY GENERAL moved the insertion of two clauses after Clause 18, providing the machinery for carrying out the latter.

These clauses were also twice read and made part of the Bill.

THE ATTORNEY GENERAL moved that the words "of Marriage and Divorce" should be struck out of Clauses 3 and 4, for the purpose of inserting, as the title of the Court, "for Divorce and Matrimonial Causes."

Amendment *agreed to.*

THE ATTORNEY GENERAL said, he proposed to amend Clause 8 by adding the senior puisne Judge of each Court to the members of the new Court of Divorce.

The Amendment was *agreed to.*

Clause 15 and 19 of the original Bill were struck out.

THE ATTORNEY GENERAL said, that in substitution of Clause 19, for the protection of the deserted wife's property, he should propose to insert Clause 19 E., (Wife deserted by her husband may apply to a Police Magistrate or Justice in Petty Sessions for protection).

Clause brought up and read 1° and 2°.

MR. HENLEY said, he wished to ask whether the words giving the right of action to the wife against a creditor, or person claiming under the husband, expressed with sufficient clearness the kind of action which was to be brought, and in what court it was to be brought. Also, whether there was sufficient protection against the husband seizing the property himself, without the intervention of any agent. In order to make the point clearer he would move,

> "That an Amendment should be made in Clause 19 E., l. 29, by inserting before the word "any" the words the "husband or."

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL said, his desire was to give the wife a ready and expeditious remedy against every person against whom it was possible to bring an action. There was a technical difficulty in the way which rendered it scarcely possible for her to bring an action directly against her husband. If the husband obtained and violently possessed himself of the property of the wife, after the issue of the order the magistrate would have power as against the husband, or, at all events, he might be proceeded against in a Court of Equity. But if the husband, through the medium of another party, which was more generally the case, endeavoured directly to obtain possession of the property, the wife was empowered by the clause to bring an action against the individual so acting, in case the claim was under £50, in the County Court, and in case it was above that sum, in one of the Superior Courts. The magistrate's order in all common cases would be a sufficient protection against the husband, and if there were anything more important in point of property involved, the wife might be protected at once against her husband by a Court of Equity, on the ground of her being made a *feme sole* by the Act, and the husband would be compelled to pay all the costs of the proceedings.

Amendment by leave *withdrawn.*

MR. MACAULAY said, it had long been felt a great practical defect in the law that there was no means to protect a woman separated from her husband against the husband returning and sweeping away all the property she had accumulated by her own industry. He wished to have some further explanations as to the remedy the wife would have under the Bill for the loss she might sustain by the husband disobeying the order made by a magistrate under this clause, and making such an incursion upon her home?

THE ATTORNEY GENERAL said, the husband would be exactly in the same position as a stranger who entered the house of the wife and took away her property. If the husband, after the issuing of the order, interfered with the property of the wife there would be a remedy against him under the criminal law.

MR. HENLEY said, the special remedy given against the creditor seemed to raise a doubt as to the protection the wife would enjoy against the husband.

THE ATTORNEY GENERAL said, the Bill as it now stood gave a summary jurisdiction against the creditor. At present the right of separate property in the wife was a matter of contract before marriage, or of husband's consent afterwards; but here was a case in which for the first time the legislature gave her, by positive enactment, the same right of property as if she were a *feme sole,* and for that reason he thought there would be a remedy by the criminal law. Of course, if the parties cohabited together again as man and wife there would be an end to the judicial separation, and the property would become that of the husband as before. He did not make these remarks with a desire of checking suggestions from hon. Members. He considered this the most important clause in the Bill, and though it was his own proposition, he was quite open to correction from any hon. Member.

MR. ADAMS said, he thought the remedy of the hon. and learned Attorney General was open to some objection. It would be by preferring an indictment agaist the husband for larceny; but then would arise the ordinary rule of law, that if a person seized goods, believing he had a right to do so, he was not guilty of larceny. A trial of that kind would therefore be a very long and cumbersome process; whereas there ought to be an immediate remedy in such a case. He therefore would suggest that words should be inserted in the clause to the effect that if the husband seized the property protected under the clause he should be liable to a penalty, and in default of payment, be liable to imprisonment, with or without hard labour, for a certain period.

SIR ERSKINE PERRY remarked, that in his opinion the hon. and learned Attorney General had established the rights of the wife on a sound ground. The Bill declared that she should have, under the circumstances, an absolute property in her earnings, and she would therefore be enabled to assert her rights in the ordinary way. This was the first time such a remedy had been afforded by the law to a married woman, and he regretted the principle was not carried still further.

MR. MALINS said, that the mode of proceeding was somewhat cumbersome; it it was to be either by prosecution for felony or by a suit in Chancery. He considered all difficulty would be met by providing that the husband should be committed to the House of Correction for any period a Court of justice might think proper, and be bound to restore the property on the order of such Court.

THE ATTORNEY GENERAL said, after what had been suggested, he would add a proviso to the following effect:—

Amendment proposed,—

In Clause 19 E, line 29, after the word "if," to insert the words, "the husband, in violation of any such order, shall possess himself of any such earnings or property of the wife, he shall, on conviction thereof by a Magistrate or Justices, be committed to prison for a period not exceeding two calendar months, unless he shall restore the same or pay the full value thereof to the wife, and all costs and expenses incurred by her, or if."

Question proposed, "That those words be there inserted."

SIR DENHAM NORREYS observed that, according to that proviso, the objection still remained, if the husband chose to remain in prison for the two months, he might still retain possession of the property.

SIR ERSKINE PERRY said, the property would still belong to the wife, and she could recover it by a civil process.

THE ATTORNEY GENERAL observed that even if the husband suffered the full punishment, his wife would not be deprived of her civil remedy.

MR. AYRTON said it was enough to declare that the wife should have all the remedies of a *feme sole*, and they would only get into embarrassments if they attempted to give a new remedy.

MR. MALINS took the same view of the matter. He thought it was sufficient to say that the wife might resort to all the remedies afforded by the general law, which had hitherto been found so effective as regarded both large and small properties, and he would recommend the hon. and learned Attorney General to withdraw his Amendment.

THE ATTORNEY GENERAL said, he would act on the suggestion, and, with the permission of the House, withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Clause 23.

SIR DENHAM NORREYS said, he wished to ask the hon. and learned Attorney General whether a woman who had already obtained a divorce *a mensâ et thoro* would be able to obtain protection for her property by applying to this Court.

THE ATTORNEY GENERAL replied, that such a person would have all the rights which were conferred by this Bill.

Clause 25.

MR. STAPLETON said, he rose to move the insertion of words providing that a woman should be entitled to a divorce *a vinculo* on the ground of adultery committed by her husband within two years after she had obtained a decree for the restitution of conjugal rights, if coupled with such continued or renewed denial of such rights as would enable her to take further proceedings or maintain a fresh suit for their restitution. He had moved a similar Amendment on a previous occasion, when objections were raised to it, which he hoped he had removed by the form of words that he had now adopted. The Amendment was intended to give a divorce *a vinculo* to a woman who had been deserted twice by her husband, or who, having been deserted once, was refused a real restitution of conjugal rights by her husband's residence abroad, or other voluntary cause on his part. To couple desertion with cruelty as a necessary cause for a divorce would leave many cruel cases still unredressed. A lady who was compelled by her husband's desertion to find a refuge in the house of her father, or other relative, and there experienced greater happiness than she had enjoyed in her husband's home, could not establish legal cruelty, and therefore, as the clause at present stood, she would have no right to a divorce. He believed that by clogging the clause with desertion for a period of two years the House of Lords had put it in the power of the husband to render it completely inoperative, as, if he chose to return to his wife once in every two years, she would be debarred from claiming the just privilege of divorce. He also doubted whether the clause of protecting the property of married women would be found to act effectually, for, although there was power to indict a husband who seized the property of his wife, yet, if he chose to return home and live with her, there was nothing to prevent him dissipating that property. A man who had once deserted his wife might well be supposed capable of making false protestations and vows of future good behaviour, in order to delude the wife into a renewal of their cohabitation for his own purposes. The Amendment he proposed would, he believed, be to render suits for restitution of conjugal rights more frequent than they were at present, a result that would be for the benefit of public morality, and would obviate many of the evils which were apprehended to flow from the Bill by many hon. gentlemen in that House.

Amendment proposed,—

In Clause 25, line 19, to insert after the word "upwards," the words, "or of adultery committed within two years after she has obtained a decree for the restitution of conjugal rights, if coupled with such continued or renewed denial of such rights as entitles her either to take further proceedings in pursuance of such decree, or to maintain a fresh suit for restitution of such rights."

THE ATTORNEY GENERAL said, he must object to the proviso, as going beyond the scope and intention of the Bill as settled by the repeated discussions that had taken place.

Question, "That those words be there inserted, put and *negatived.*

Sir WILLIAM HEATHCOTE said, he would propose to add to Section 25 the following words :—

"And bigamy shall be taken to mean marriage of any person being married to any other person during the life of the former husband or wife, whether the second marriage shall have taken place within the dominions of her Majesty or elsewhere."

Amendment *agreed to :* words added to the clause.

Clause 30.

Mr. BUTT said, he would move that words should be added to Clause 30, to the effect that upon any petition for a dissoluion of marriage the Court should have the same power to make an order for alimony to the wife during the hearing of the petition as in the case of judicial separation.

Question proposed, "That those words be there added."

Amendment, by leave, *withdrawn.*

Clause 40.

Mr. BUTT proposed to add to the clause the following words :—"Nothing in this Act, except when specially provided, shall be taken to extend to Scotland and Ireland." The special exemptions would be service of processes, summoning witnesses, and enforcement of decrees.

Amendment proposed,—

To add, at the end of Clause 40, the words, "But nothing herein contained shall authorize the Court, nor shall the Court have jurisdiction or entertain any such suit or proceeding against any person resident in Scotland or Ireland who had not, at the time of presenting such petition, a fixed residence within the jurisdiction of the Court."

Question proposed, "That those words be there added."

The ATTORNEY GENERAL said, the clause would render the Court powerless, and deprive the injured party of any remedy in some cases ; but he had no objection to insert a general proviso exempting Scotland and Ireland from the operation of the Bill.

Amendment, by leave, *withdrawn.*

Mr. BUTT said, he would then move the following Amendment :—

Amendment proposed, to add, at the end of the clause, the words, "But, unless where specially provided, nothing in this Act shall extend to Scotland or Ireland."

Sir DENHAM NORREYS said, he should take the sense of the House upon the Amendment. If the Bill did not now extend to Ireland the words were unnecessary ; and, if it did extend to that country, he rejoiced in the fact, and should object to any proposal which would deprive the Irish people of the benefit it would give them.

Sir ERSKINE PERRY said, he should also oppose the Amendment.

Question, "That those words be there added," put, and *negatived.*

Clause 55.

Mr. CLIFFORD said, he wished to observe in reference to Clause 55, which exempted clergymen from penalties for refusing to marry a person who had been divorced for adultery ; that it was now 600 years ago since the Councils of Clarendon enacted that clergymen must act in conformity with the law of the land, and that this clause introduced an entirely new principle into that law. If it passed, when a couple presented themselves for marriage, the clergyman would not have to consider whether they were marriageable by the law of the Church or the law of the land, but the responsibility would be thrown upon him of deciding whether, according to his own private judgment, they ought to be married or not. This was introducing the thin edge of the wedge for the severance of Church and State. It would be useless to enter at that time into the question whether such severance would be productive of good or evil ; but surely it could never be intended that such a result should be brought about at the fag end of the Session by the insertion of a clause in a Divorce Bill. The speech of the hon. and learned Attorney General on the subject was unanswerable, and he only hoped his vote had been in conformity with it.

Bill to be read 3° *To-morrow.*

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.

CONSIDERATION.

Order for considering the Bill, as amended, read.

Mr. CRAUFURD said, he had to move the insertion of a clause providing that the Bill should not apply to Scotland, on the ground that the machinery of it would be unworkable there, and that the Scotch common law was amply sufficient for meeting the class of offences dealt with by the Bill.

Clause twice read and made part of the Bill.

Bill to be read 3° *To-morrow.*

POOR LAW (IRELAND).—QUESTION.

Mr. BRADY said, he wished to ask the Chief Secretary for Ireland if Medical Poor Law Officers are bound to attend on persons whose tickets of attendance have been suspended in consequence of their ineligibility to Poor Law relief from position and circumstances, but who afterwards get renewed tickets for attendance without alteration or diminution of their pecuniary circumstances. Also, in the event of a Poor Law Medical Officer falling ill in the discharge of his duties, or otherwise, whether Guardians have power to stop from his salary the amount paid by them for his substitute.

MR. H. A. HERBERT said, the questions of the hon. Gentleman would have been addressed with more propriety to some one who was more fitted to deal with points of law. He believed, however, there was nothing to prevent persons from obtaining medical relief under the circumstances in question. The matter might generally be left to the discretion and good feeling of the Dispensary Committees, but some instances of abuse undoubtedly existed which he should be glad to remedy if possible. In answer to the second question of the hon. Member, it certainly appeared rather hard to stop from the salary of the Medical Officer the amount paid by the Guardians during his illness to his substitute. He did not feel qualified to declare the law on this subject, but any Gentlemen who felt aggrieved might refer the question to the Poor Law Commissioners.

THE RECRUITING SERVICE.

QUESTION.

COLONEL NORTH said, he wished to ask the hon. Under Secretary for War if it is true that Officers who are to be appointed to the regiments about to be raised are now employed on the Recruiting Service, but are only receiving their Half-pay.

SIR JOHN RAMSDEN said, he believed that the question referred to those Officers whom it was proposed to appoint to two of the new battalions about to be raised. As soon as the names of those Officers had been seen and approved by Her Majesty they would appear in the *London Gazette*. In the meantime they had been directed to go down to the head-quarters of the new battalions, to receive any recruits who might arrive. Until their names appeared in the *Gazette*, which would be in a few days, it would be impossible for them to receive their full pay.

COLONEL NORTH said, he understood that these officers had been sent to all parts of England, and not to head-quarters.

SIR JOHN RAMSDEN said, it was his impression that they had only been sent to the head-quarters of the new battalions.

RAILWAYS IN INDIA.

QUESTION.

MR. ROBERTSON said, he would beg to ask the President of the Board of Control, what steps are taking to complete the Railway Communication between Madras and Bangalore? He would remind the right hon. Gentleman that Bangalore was one of the principal military stations in Southern India.

MR. VERNON SMITH said, he believed that no steps had been taken for constructing this line. The rule laid down by the Directors of the East India Company was, that the trunk lines should be completed before they consented to the formation of branch lines, and the trunk line to Madras was not yet completed. It was true that Bangalore was one of the principal military stations of the Madras Presidency, and a proposal having been made to construct a railway from Bangalore to Madras, with a promise that it should not interfere with the progress of the trunk line, the Directors now had the proposal under their consideration.

THE FINANCES OF GREECE.

QUESTION.

MR. SPOONER: Sir, I wish to ask the noble Lord at the head of the Government whether any Report has been received from the Commissioners appointed by the Protecting Powers to inquire into the finances of Greece; and if there is any prospect that their better administration will relieve the Consolidated Fund of any portion of the annual charge for interest on the Greek Loan, guaranteed by Great Britain, which is now paid?

VISCOUNT PALMERSTON: Sir, as the hon. Gentleman doubtless knows, a Commission was appointed by the three Protecting Powers some time ago, in conjunction with Officers of the Greek Government, to examine into the state of the finances of Greece, and make a Report upon the subject. In the meantime—that is, before coming to a conclusion—they were to suggest to the Greek Government such alterations or considerations with a view to the improvement of the finances as might occur to them. No Report has as yet been made, though I believe the Greek Government have given every fair facility for the prosecution of the inquiry. At the same time, I am afraid I cannot hold out any expectation that the result of the inquiry will lead to any early fulfilment by the Greek Government of the engagement to pay themselves the interest of the sinking fund on their Loan.

EAST INDIA LOANS.

QUESTION.

Mr. DISRAELI said, he would be glad if the President of the Board of Control could give the House any information respecting the precise nature and security of the loans now being negotiated by the East India Company.

Mr. VERNON SMITH said, that the loans negotiated by the East India Company had always been made on the security of the revenues of India. The loan was always an open one; the total sum to be raised was specified, and the minimum interest was also stated. On the payment of the loan the Secretary to the Company gave a promissory note, pledging the revenues of the East India Company for the payment of the interest. With that security the creditors had always been satisfied, and he hoped always would be.

LOSSES BY EUROPEANS IN INDIA.

EXPLANATION.

Mr. VERNON SMITH said, he wished to be allowed to explain that a misunderstanding had arisen with regard to a question put to him on Tuesday night. The right hon. Gentleman (Mr. Disraeli) had asked him what was proposed to be done with respect to the sufferers in the recent events in India. He understood the question to refer to the widows and orphans of those persons in the civil and military services who had perished by the massacres, and he replied that the same scale would be adopted as in the case of persons perishing in action. His reply showed the impression he was under, but, he believed, did not meet the meaning of the right hon. Gentleman's question. He was told that the interpretation put by the public upon his answer was that the East India Company had under their consideration a scheme of compensation for the loss of property sustained during the recent mutiny; but the fact was that no such scheme had been in their contemplation. Such a question of compensation opened up a much wider question, into which the Directors of the East India Company were not prepared to enter.

Mr. DISRAELI said, he had confined his inquiry to property, and had asked whether it was intended to compensate those European subjects of Her Majesty whose property had been destroyed during the insurrection. He had not put his question on the paper, and the right hon. Gentleman might, therefore, easily have been misled as to his meaning. He still wished to know whether it was the intention of the Government to take into consideration the claims of those European subjects of Her Majesty in India whose property had been injured or destroyed during the insurrection. The right hon. Gentleman would of course understand his question to refer in the first instance to the case of those officers whose property had been plundered, and then, if possible, to that of all Her Majesty's European subjects.

Mr. VERNON SMITH said, he must reply that the question embraced so very wide a field that it was impossible to answer it without deeper consideration than had hitherto been given to the subject.

THE MILITIA BILL.

THIRD READING.

Order for Third Reading read.

Colonel NORTH said, he wished to put a question to Her Majesty's Government with reference to the regiments of militia about to be embodied. It was of very great importance to the officers that they should know what regiments were to be selected, in order that they might not be absent from the country in the event of their own regiments being called out. He wished also to inquire what rule was to be followed in this matter, and whether those regiments which had volunteered for service abroad in the late war would have the priority in being embodied at this moment? Those regiments who had had the advantage of doing garrison duty, especially in the Colonies, and of being brigaded for a year and a-half or two years with the line, would necessarily be much more efficient than the others; independent of this consideration, the officers of those regiments had been put to serious expense in fitting themselves for that service, and it was certainly understood that when they returned to this country their regiments would enjoy the benefit of being retained in an embodied state some months after the rest of the militia had been disembodied. Notwithstanding this expectation, however, they had been disembodied just in the same manner as the regiments which had never quitted England. Another point on which he desired information was as to the new Order issued to the militia in regard to recruiting. By that order the adjutants were enabled to recruit for the line within a circle of twelve miles from their headquarters, and the warrant stated, that the recruiting officers would receive no remuneration beyond the sum of 5*s*. for "bringing money;" and it was also stated in the circular that they would be liable to the same contingencies as the recruiting officers of the line, viz., in case of the recruits not being passed after inspection they would be subject to the expense of enlisting them. It appeared that the surgeons of the militia regiments were to be the surgeons who would pass the recruits; and the Government were entitled to thanks for the concession they had made in this respect. During the late war, it was intimated to the surgeons, both of the militia and the line, that they ought not to be as strict in their examination of recruits as they were in time of peace; but as those officers were to be made responsible for the cost, should the recruits be rejected, they ought to have definite instructions as to whether the ordeal preliminary to the passing of the men should or should not be a stringent one. He had again to express his hope that during the recess Her Majesty's Government would take into consideration the claims of a body of officers to whose case he had recently called their attention. He referred to the lieutenant colonels of the army on whom the warrant of October, 1854, had had a retrospective operation. To show the working of this principle he would instance the case of a colonel who entered the army in 1807, became lieutenant colonel after he had been forty-nine years in the service, was employed in the Peninsula, and was never absent during the campaigns of 1810, 1811, 1812, 1813, and 1814. The officer in question was Lieutenant Colonel Alves, now Major General Alves, on the retired list, who was passed over by fifty-three juniors, owing to the retrospective action of the warrant of 6th October, 1854. He entered the army, November 5, 1807; was promoted to be colonel on the 9th of November, 1856; and on the 5th of December, 1856, took the retired full pay, with step of rank. His services were: general actions.—Busaco, Fuentes D'Onor, Ciudad Rodrigo, Badajos, Salamanca, Vittoria, Pyrenees, Nivelle, Nive, Orthes, Toulouse. Actions: Retreat to and occupation of Lines of Torres Vedras, Pombal, Redinha, Foz d'Arouce, Guarda, Sabugal, El Bodon, Aldea de Ponte, Capture of Madrid and Retiro, Affairs on retreat from Madrid to Portugal, Passage of the Ebro, Blockade of Pampeluna, Vic Bigorre, and Tarbes. Yet, by the warrant of October, 1854, this distinguished soldier, who had retired when he became a full colonel, was passed over by no fewer than fifty-three other officers, many of whom had joined the army long after the close of the French war. There remained on the same list a great number of other officers who had gained their promotion for distinguished gallantry. Before this warrant came into play nobody could pass over the head of a lieutenant colonel but a Queen's aide-de-camp; and, relying on this rule, many officers had gone upon half-pay. He had brought this subject under the notice of the House in the month of June, when he obtained an assurance that it would receive the attention of the Noble Lord at the head of the War Department. Since then, however, he regretted to say that as many as twenty-five men had been promoted over the head of the senior colonel on this list. No greater pay was given to a colonel than to a lieutenant colonel; and a brevet might easily have been issued by which these officers would have been spared the mortification of seeing young men, who were subalterns when they themselves were lieutenant colonels, preferred over them, merely because they had been in command of regiments for two years and nine months. He therefore trusted that the noble Lord at the head of the Government, who, he was sure, was always disposed to reward the services of the officers of the army in a fitting manner, would take steps in the course of the ensuing recess to remedy so grievous a hardship.

SIR FREDERICK SMITH said, he begged to tender his congratulations to the noble Lord at the head of the Government on the introduction of the present measure. No sounder arrangement could be made than to embody a portion of the militia. He believed that the recruiting of the regular army would, at the same time, be carried on with great success. During the late war 40,000 men were enlisted in the regiments of the line, and we then had as many as 800 different recruiting detachments. When the mutiny broke out in India we had only twenty-six such detachments, but since that time the number had been rapidly increased, and now amounted to between 300 and 400. Within the last fortnight we had obtained upwards of 1,000 recruits, although the circumstances were unfavourable for procuring them. When the harvest was completed, we should no doubt get a great many more, under the auspices of that distinguished officer, Colonel Kelly, who presided over our recruiting operations. The Government had despatched to India an augmentation of troops of the line, and also of cavalry. They were likewise, for the first time,—it being an exception to the ordinary rule, indeed, he believed, the first time in the history of the country,—sending out a force of the Royal Artillery. He did not find, however, that any officers or men of the Engineer corps were being despatched to that country, and consequently he must venture to remind the Government of the need there was of Engineers at such a moment as the present in India. There were 3,000 Sappers and Miners attached to our army, and he was quite certain 1,000 might be spared for India. He might be told that the East India Company had a sufficient number of Engineers in India, but he believed that that was not the fact. He had reason to know that there was a great demand for Engineers in India. Of course, if Delhi had fallen, and he hoped it had, there would not be so great a necessity for their services ; but every military man, and no man better than the noble Viscount at the head of the Government, knew that there were but four ways by which Delhi could be reduced, first by a capitulation, which was highly improbable, and which would be very impolitic for us to accept, be the terms what they might ; next, by investing it, and reducing the mutineers by famine, which would be a long operation, and one that would not keep up the prestige of the British Army in India ; thirdly, by the assault of a breach, and fourthly by escalade. The last-named plan, that of escalade, would not be very easy for us to accomplish, owing to the present position of our army in India. It would seem, then, that the most advisable means of reducing Delhi was that of making a breach, with a view to its capture. Of course it was very well known that the whole of the native Sappers and Miners belonging to the East India Company's service in the Bengal army had deserted with the rest of the rebels, and were now in Delhi. Every military man knew that the sorties at Delhi had been conducted with considerable skill. One of our flanks had been attacked, and another flank turned, and if that flank had not been composed of British soldiers the men belonging to it would have been doubled up and utterly destroyed. He should not be at all surprised if the engineering skill of the mutineers now within the walls of Delhi, made it another Saragossa. General Barnard had not, so far as he knew, a single soldier who was able to do the work of a sapper and miner. He trusted that as soon as Delhi was taken, it would be razed to the ground, and for this purpose also engineers would be necessary. For all these reasons he hoped that Her Majesty's Government would send out a large body of men thoroughly qualified to do this sort of work. Perhaps he might be told that a European sapper could not work in the hot climate of India ; but he did not believe anything of the kind. If we sent out European gunners to work in the field surely our sappers could perform the less severe work of carrying on sapping and mining operations at night. The work of the miner was invariably done under cover. Moreover, he had been assured on the high authority of a gentleman who had charge of the railway works in India, that the whole of the Indian railways could be constructed entirely by European labour. He therefore begged most respectfully to suggest to Her Majesty's Government the great desirableness of sending out to India a portion of our Sappers and Miners, who, he was satisfied, would well discharge their duty.

Sir DE LACY EVANS said, he fully concurred in the suggestion of the hon. and gallant Gentleman as to the sending out of Sappers and Miners to India, for it was quite clear that there were no longer any sappers at the disposal of the Indian Government. Even if Delhi were taken before the Sappers and Miners arrived there, he was prepared to contend that a regular system of fortified posts ought to be established throughout the country, and surely, if that were so, it was desirable that engineer officers, and a body of skilled artificers should assist in these operations ; while as we had at present a body of 3,000 Sappers and Miners in a state of comparative idleness at home, it was obviously desirable that a portion of them should be thus employed. Europeans might not be able to work so continuously in India as the Natives of that country, but their work, he was sure, would be more solid and finished than that done by the Natives. They were now on the subject of the militia, which was intimately connected with the whole of the Indian question, because the militia was to be embodied for the very purpose of meeting the state of things which the mutiny in India had occasioned. He was very much astonished to find that the noble Lord at the Head of the War Department had stated that the number of militiamen proposed to be called out for the present was only 10,000. That number appeared to him to be totally and absurdly inadequate. He recollected that complaints were made by naval officers almost on the eve of the declaration of war against Russia of the insufficient number of sailors in the Royal Navy, but not a sailor was added to it, and the Government attempted to justify their supineness by giving this very wise reason—that the increase of our navy at that time might create irritation and thus affect the negotiations then being carried on with the Emperor of Russia. He really thought that the addition of merely 2,000 men to our navy was not much wiser conduct than that of the Government immediately previous to the war with Russia. He begged also to suggest to the Government that there was a great want of small steamers to carry on our river operations against the mutineers in India. We had several such vessels, if not rotting, at least lying idle, which might be turned to excellent account if they were sent to take part in the operations in India. By their means our men could penetrate far into the interior of India, and a moral as well as a physical effect would thereby be produced upon the people of India. There were already a few there, and as an instance of what they might effect he would draw attention to the fact of a small steamer with one heavy gun and 100 picked men, armed with rifles, having been recently despatched from Allahabad to Cawnpore, and that it was hoped that by this means the garrison of the latter place might be relieved. It had been most sensibly suggested in some of the public journals that, with a view to the protection of Calcutta, as well as to cause a strong moral effect on the native population of India, there should be a display in those waters of our maritime power. He had also heard naval and military officers at Portsmouth remarking on the circumstance that when transport vessels of 500 tons burthen were being employed to take out 120 or 140 men to India, observe how much better it would be if our great screw steamers of war were employed for the purpose; moreover, that these vessels might be stationed at Calcutta and Bombay with great advantage; but he did not believe that any of that class of vessels which were lying (if not rotting) quite idle, had been put into commission. The sort of prejudice which existed in our navy against carrying troops in Queen's ships had been made to give way in bringing back our troops from the Crimea, and he hoped that example would be followed on the present occasion. The French did not allow any such prejudice to interfere with their ships of war carrying troops, and though it was possible that the discipline of the ships might be in some little degree affected, yet that would be more than compensated by the advantage to the public service which must result from this measure. The French forces could not have got to the Crimea unless they had been conveyed in their ships of war. We, however, were guided in this matter by old absurd professional notions, and were thus comparatively deprived of the use of our ships of war. Lord Raglan could have had a much larger force at his command, and available in landing in the Crimea, if ships of war had been employed, as they ought to have been, in assisting to convey our troops. He hoped, therefore, the Government would take into consideration the advantage of employing our large and powerful war steamers in the conveyance of troops. Every exertion ought to be made on this occasion. The conflicts which have taken place before Delhi and in other places were, he found, of a vigorously contested description, and the heroic valour displayed by our soldiers of every class in the face of vastly superior numbers was most gratifying. On this point he would remind the noble Lord that a year or two ago Her Majesty determined to grant what was styled the Victoria Cross for acts of special valour. In future that reward was to be given on the field by the General commanding, and this was a most desirable mode of distribution. He would therefore recommend it to the consideration of the noble Lord that authority be given to confer freely, though discriminately, this Victoria Cross, for the most conspicuous of the gallant acts lately recorded. He thought also that on such an emergency as this the Government should consider the propriety of removing the ground of complaint which was made more than once by the Duke of Wellington in his despatches—namely, that he had not the power of giving the smallest promotion. It would be well to give the Commander in Chief in India the power not only to fill up vacancies, but to grant promotion, subject, of course, to the confirmation of the Sovereign and the Government. He saw by the public journals that the force in the Persian Gulf had been ordered back to India. The statement was, he hoped, correct. General Jacob, who was in command of that force, was a man of great experience, of great scientific attainments, and of undoubted ability; and no man in the Indian army stood higher in the service. Independently, therefore, of the great advantage which would be gained from his presence in Scinde, where he was so well known, or that his services elsewhere might be made available in some high command. The mention of this officer's name likewise reminded him of the statement that these mutinies had taken the Indian Government by surprise. There must, however, have been some extraordinary inattention in high quarters to passing events on this point, for the whole state of things had been laid bare seven years ago in a pamphlet of a very striking character published by General Jacob. The statements also made by Sir Charles Napier and other officers on the same subject, ought surely to have induced the Government to take preparations to avert the dangers pointed out. Upon the question of caste, which had so much to do in this matter, he saw it reported in the newspapers that the Commander of the Forces in Bombay had lately issued an order of a character quite new in that Presidency—namely, that recruits only of high caste should in future be raised for the Bombay army. He spoke somewhat vaguely on the subject, but he hoped that the right hon. Gentleman (Mr. Vernon Smith) could state that this was not the case, or otherwise it would afford a strong proof to his mind of the unfitness of the officer he alluded to for the high command held by him. Nothing could be more obvious than the inconsistency and the imprudence of attempting to engraft upon the Bombay army that preference of high caste which had led apparently to such fatal results in the army of Bengal. On another point connected with India he must express his satisfaction with the statement of the noble Lord the other evening, that the Government intended to give pecuniary aid for the establishment of the telegraph between Suez and Aden. It was true that this would only apply to some thirteen hundred miles of the route to India, but no doubt it would greatly facilitate and accelerate the communication, and he earnestly trusted, therefore, the Government would see that the undertaking was carried out with despatch. With regard to what had been said on a former occasion as to the conveyance of troops through Egypt, he confessed that the statement of the noble Lord respecting the difficulties by no means convinced him of the impracticability of adopting this route. In his opinion, a portion of the troops might with great advantage have been sent through Egypt, and as the necessity for reinforcements would undoubtedly continue he hoped the Government would reconsider this subject. Other points connected with the state of affairs in India had been touched in the discussions which had taken place, but to these he would not refer. He had neither the ability nor the disposition to enter into the question of policy raised the other evening by the right hon. Gentleman opposite (Mr. Disraeli); but there were one or two matters relating to Indian policy which it would be well not to lose sight of. It appeared that some of the Native Princes, even among those residing close upon the scene of conflict, had remained perfectly loyal in the midst of the disturbances which had taken place. Among them were Holkar, Scindiah, the Rajahs of Gwalior and Pataalla, and others; and he thought it would be politic, without waiting for ulterior events, that those Princes were informed that their loyal co-operation would hereafter be appreciated by extension of territory or in some other way. At all events, some declaration of the intention of the Government to evince their satisfaction at and their gratitude for the course pursued by these Princes ought not to be delayed, because it was of the utmost importance to us that they should remain steady to our alliance. Then, again, he ventured to think the Government ought to make arrangements to finish this matter, certainly if possible within the first campaign. By next November our troops should be sufficiently numerous to march with triumph through every part of the disturbed districts. As to the reinforcements he hoped these would not be despatched by driblets, but that every exertion would be made, without reference to money, to place the largest possible amount of naval and military force at the disposal of the Indian Government. He had expressed his satisfaction the other day that a large reinforcement of artillery—consisting, he believed, of seventeen troops—was to be sent out. It appeared, however, that those troops were weak in number, and were only to muster 134 gunners each. Now, the strength of the troops of artillery in the Crimea was eventually 204 men. In the present case no margin was left for losses by sickness or other causes, and he should not be surprised if it were shortly found necessary to form two of these troops into one. It was most essential for the Government to bear in mind that from various causes heavy losses must be looked for in the force despatched to India, and adequate provision must be made to supply these losses.

Sir WILLIAM WILLIAMS said, that he also quite concurred in the remarks made by the hon. and gallant Member for Chatham (Sir F. Smith) upon the necessity of sending out Sappers and Miners to India. When they remembered the number of strong places which were now in the hands of the rebels, hon. Gentlemen might well imagine the efforts which must be made before they could be dislodged by troops of this description. In his opinion, it would be necessary to send out at least 1,000 of this admirable corps, with a proper proportion of officers, as soon as possible. He concurred also in the remarks of the hon. and gallant General (Sir De Lacy Evans) as to the strength of the troops of horse artillery and companies of foot artillery which were to be despatched. Those troops were about to embark for a country the climate of which, in some districts, was of a most deadly character, and therefore, not only ought they to leave England in as efficient a state as possible, but every calculation should be made for the casualties which might be anticipated in their ranks. He did not concur in the hope expressed by the gallant General (Sir F. Smith), that if Delhi were taken, not one stone should be left upon another. It contained arsenals and works which had been prepared with great care and at great expense; it contained, also, a large amount of stores and ammunition; and a more serious mistake had not been made, of late years, than leaving such a place, full of such *matériel*, in the charge of Native troops. Instead of Delhi being destroyed, and not one stone being left upon another, he hoped that it might be preserved with very great care, and that if, with the blessing of God, we once got possession of it again, we should never allow an enemy to be seen within its walls. He agreed in all that had been said with respect to the want of fortified places in India. He had been in all the Presidencies of that country, and he had seen, so to speak, the nakedness of the land—station after station without a single stronghold. The consequence was, that when we were attacked, all went over like a pack of cards. He hoped that Parliament would turn their attention to this subject, and that we should never again permit so great a calamity—he might say disgrace—to fall upon the nation. He was perfectly sure that Her Majesty's Government would never, at the commencement of this Session, have reduced so many of the regular troops of Great Britain had it not been for the pressure from without. He was satisfied, therefore, that it was not their fault. He remembered how the noble Lord the Member for London, and the right hon. Gentleman the Member for the University of Oxford, vied with each other —bade as it were against each other—with regard to those reductions; and he was persuaded that, had the Government attempted at that time to retain those troops, they would have been defeated. Let them hope that what had taken place would be a warning to them ["Hear, hear!" from the Opposition]; and he trusted that hon. Gentleman opposite who said "Hear, hear!" would assist them not only with their cheers, but with their votes, when these matters came under consideration in future. [An hon. Member on the Opposition side: We have never done otherwise.] With regard to the Sappers and Miners going to India, he remembered that, when Aldershot was being discussed in that House, he stated that he was in favour of Aldershot on condition that the troops of the line should be instructed in a certain amount of sapping and mining, in making gabions, and in other things that might be useful when they went to India. He only hoped that they had been so instructed, and that the authorities at Aldershot had taken those steps. If they had not, they might probably hear opinions expressed, when they came to discuss these subjects next Sessions which would not be agreeable.

Sir HARRY VERNEY said, he was satisfied that whatever exertions Her Majesty's Government might think fit to make to meet the present crisis in India, to render our troops victorious, and to restore that government and dominion which we had so long enjoyed there, would meet with the cordial co-operation of the House and of the country. He could not entirely concur with his gallant Friend who had last spoken in saying that the Government were not to blame for cutting down our establishments, because he did not believe that they would listen to representations made on either side of the House unless they conceived that those representations were founded on justice and truth, and he contended that it was upon their responsibility and that of no one else that the reductions had taken place. He thought, however, that they should now inquire, not so much who was to blame for the frightful calamity that had taken place, as what measures could be adopted to remedy the present state of things and as soon as possible to give protection to our countrymen in India. He desired to see for example, not only large steamers employed upon the large rivers, but small steamers sent up all the small rivers where our stations mostly were established. Such steamers going up, well armed and well manned, would afford the greatest possible protection to those stations. He knew well the frightful calamities to which our countrymen were exposed, and he trusted, therefore, that there would be nothing like vacillation or want of strength, determination, or vigour exhibited on the part of the Government at home, or of the authorities in India. He was quite sure that when the tale of this Indian warfare should be told, we should find that there had been performed acts of heroic valour and wonderful fortitude on the part of both soldiers and civilians which would fill us with admiration and with national pride. In conclusion, he trusted that the gallant army which was about to proceed to India would be provided with adequate medical assistance and with every comfort and necessary that could be required, and that they would hear no more of such complaints as had been made on former occasions.

Sir JOHN RAMSDEN said, that in reply to the question of the hon. and gallant Member for Westminster, (Sir De Lacy Evans) he begged to state that the Government only intended to call out 10,000 militia at present. The principle upon which they were acting was this; that the number of militia embodied should bear a proportion to the number of troops sent out to India. Now, according to the number already sent out, the Government thought that 10,000 of the militia would be sufficient to do the garrison duty of the troops that were gone. If it be found afterwards necessary to despatch a larger number of troops to India, then it would be also necessary to draw more largely on the services of the militia. As to the question put to him by his hon. and gallant Friend the Member for Oxfordshire (Colonel North) in respect to the instructions given to the surgeons of the militia, in order to direct them in the recruiting service, he had not received any information as to the instructions ordinarily issued being insufficient; but if any of those gentlemen considered that those instructions were not sufficiently precise, on application at the War Office they would receive every information they required. In respect to the other question of the hon. and gallant Member—namely, what regiments it was intended to embody—he could not now give any answer to that inquiry. The Government were fully aware that it was inconvenient to the militia officers to be kept in doubt. He could only say that, as soon as the public interests would permit it to be done, the earliest information on the subject would be given. As to the principle which would guide the Government in calling out the regiments that were to be embodied, the first point for consideration was, which regiment was able to perform the most efficient service when called out. The Government in these respects would be regulated by the reports they received as to which regiments were in the most efficient condition for the discharge of the duties that would be required of them.

Colonel NORTH, in explanation, said, he was not aware of any complaints having been made of the insufficiency of those instructions issued to the militia surgeons. He, however, thought that the surgeons should have more precise information than what had been given them at the close of the last war, as to what sort of men they should enlist, because the onus of responsibility rested on the adjutant as to the kind of men that were enlisted.

Admiral WALCOTT said, he was of opinion that instructions should be immediately sent out to Admiral Seymour to despatch all the small steamers and gunboats which he had at Hong-kong to India. They would be of immense use in India, while, as to the Chinese, we could take them in hand at any time, and thrash them at our leisure. He was perfectly satisfied that we might remove a large portion of our force in China. He would take this opportunity of expressing the high opinion which he entertained of the gallantry and judgment which had been exhibited by Admiral Seymour and by the officers, both of the navy and marines, under his command, who had been engaged in the operations in the Chinese waters.

VISCOUNT PALMERSTON: My hon. Friend the Under Secretary of State for War has explained generally the points of detail which have been referred to in the course of this debate. I can only repeat what he has said, that in fixing the number of the militia, which we in the first instance think it expedient to embody, we by no means bind ourselves not to call out more if circumstances should render it expedient to do so. However, recruiting has gone on with great success in spite of the harvest, and we entertain no doubt that when the operations incident to this period of the year are completed, the number enrolled will very rapidly increase, and we shall within a very limited period be able to place in the ranks a number of men equal to that which has been sent to India. My hon. and gallant Friend the Member for Westminster (Sir De Lacy Evans) repeated to-night a very natural suggestion which was made on a previous evening, that these troops should be sent to India in screw line-of-battle ships, which could easily be adapted to that purpose, which could be navigated by a small crew, and would carry a large number of men with convenience and despatch. In the first instance such an arrangement may appear to be very advantageous, but I would request the House to bear in mind those other considerations in regard to the amount of our military force at home which have been very forcibly dwelt upon. We were reminded that we had been compelled to despatch to distant stations a large portion of the military force for which we asked, and which Parliament granted, for the general purposes of the country in time of peace, and it was said, "By so doing you have greatly weakened your defensive means at home, and foreign countries may take advantage of your apparent weakness, and either hold language which you ought not to bear or do things to which you ought not to submit." The answer which I gave to that was, that the people of this country would not endure conduct of that sort, and that if an emergency should require it men would be raised rapidly and upon the sudden. That very consideration, however, shows how inexpedient it would be to send to the other end of the world the greater portion of our naval force, because, although these steam line-of-battle ships are, it is true, lying in ordinary and of no immediate use, yet if any of these events should occur we should want suddenly to put to sea a large fleet, and how could we do that if the line-of-battle ships which we should require were doing duty as transports in the Indian Seas? Therefore I think that prudence shows that the despatch of these ships to the East would have been a very inexpedient course,—in fact, it would have been falling into the error which the great orator of Greece imputed to the Persians. He said,—

> "When you strike a blow at one part of them they put their hand to that part and leave exposed every other, which may be struck in turn. Do not, you Athenians, follow so unwise and foolish an example."

I think that we should have fallen into an error of the same kind if we had sent to India the fleet which circumstances occurring in Europe might, at short notice, render necessary for our defence at home. The suggestion of the hon. and gallant Officer as to the sending of troops across Egypt is well worthy of consideration. On a previous occasion I stated the objections to such a proceeding. These objections it may be possible to overcome, especially if you can make arrangements beforehand. If a small force were required speedily at a particular station arrangements might be made for sending it across from Alexandria to Suez. With regard to the general question, I think that the House ought to take a larger view than hon. Members have generally been disposed to adopt. We have been reproached for precipitately reducing our army and navy upon the return of peace. Some have said that in doing so we yielded to pressure from particular Members of this House, while others have attributed it to a want of foresight on our part. The course which we have adopted is really the only one which any Government acting under a representative system, such as ours, will ever be able to pursue. Different forms of Government have their different advantages and disadvantages according to the particular circumstances of the times. Undoubtedly a despotic Government is the best for providing in time of peace the means and preparations for war, because such a Government, being subject to no control but its own will, and possessing the foresight which you must assume all governors of countries to have, keep up in time of peace a larger force than is actually required for defence, and when war unfortunately occurs it is at once ready to meet the pressure which is thereby occasioned. On the other hand, when war does break out, then comes the advantage of representative institutions, because then it is that the whole nation rallying round the Government gives to it a support and a force which no despotic Government can by any means or by any possibility possess. In time of peace, however, a representative Government is comparatively weak. It is not that if we were to press this House we might not persuade it to vote men in Committee of Supply. We might induce it to give us a larger peace establishment both of army and navy, but your Votes of Supply are of no use whatever unless they are accompanied by Votes in Ways and Means. That is the limit of your peace establishment. What happens when peace arrives? What took place last year? During the war the country was ready to submit to any reasonable and necessary sacrifice to carry it to a successful issue. It bore great burdens and would have endured greater still if it had been satisfied that they were necessary for the vindication of the national honour and the assertion of national interests. Nations, however, have no foresight, or, at least, very little. Individuals may have, but multitudes have none. The consequence was that the moment peace was made everybody, from one end of the country to the other, cried out for the remission of the war income tax. That was a cry which this House was neither disposed nor able to resist; the consequence was that the Government found it absolutely necessary to bow to the national will, and the war income tax was given up. That reduced our income, and we were necessarily compelled to proportion our peace establishment to the income which Parliament, as the organ of the country, chose to give us. That was the real reason of the reduction of our military and naval establishments to an amount lower than would have been expedient at the present moment. Still, with all the inconveniences which these changes of opinion and of system may produce, there are inherent in a representative assembly so many advantages that these should be regarded only as defects which the country must at all times be ready to repair by prompt and speedy measures; and I am quite sure that those exertions will never be wanting when the occasion may require them. The present emergency, however, is not one of so much difficulty as was presented at the breaking out of the Russian war, because when that war began all the addition to our military was to be made at the expense of the country. The expense of any additions made now falls, not upon the revenues of the empire, but upon those of the East India Company. Therefore, no additional expenditure is required on the part of the nation, and all that we have to do is, as troops are from time to time withdrawn for action abroad, to keep up our establishments at the numbers voted by the Committee of Supply. That I think we shall be able to do; but this House has already unanimously voted an Address to the Crown assuring Her Majesty that nothing shall be wanting on our part to enable her to carry on operations in India with vigour and success; and if between this and the period at which Parliament usually meets it should be necessary to ask for further assistance, I am quite sure that no Members of this House would grudge the attendance which might be necessary to afford that assistance to the Government. My hon. and gallant Friend thinks that a large naval force ought to be sent to India, as a flotilla, which should operate in the rivers. The House must, however, recollect what I am sure my hon. and gallant Friend from his experience knows very well, that the Indus and the Ganges, although they figure very well upon a map, and are really very large streams, are not generally of such a depth as to be navigable by ships which we could send from home. Their navigation is impeded by sandbanks, shoals, rocks, and shallows, and any ships which we could send from this country would be perfectly useless except just at their mouths. My right hon. Friend the First Lord of the Admiralty has sent, or is sending out, a flotilla from England to act, as far as it is possible for sea-going ships to do, but it must be remembered that the East India Company have a navy of their own. All their ships were employed in the Persian expedition, but the greater portion of them must by this time have returned to India, and therefore their crews can be placed in their shallow boats or rafts, which alone are useful for the navigation of the rivers of India, and by which any operations in those rivers can best be performed. With respect to Persia, the engagements embodied in the recent treaty have not yet been fulfilled. Herat has not yet been evacuated. On the contrary, there are reports which affirm that additional troops have been sent by Persia to Herat. That has been denied by the Persian Ambassador at Paris; but still the whole of the engagements of the treaty have not been carried into effect; great doubts are entertained as to the good faith of the Persian Government; and therefore, until the stipulations of the treaty have been complied with, it is perfectly clear that the British force cannot and will not be withdrawn. That force is under the command of General Jacob, a most distinguished general officer, and until that force has been withdrawn it will be necessary to have there an officer of the great military skill and experience which General Jacob possesses. Well, then, I say we are thankful for the suggestions which have been made this evening, coming as they do from persons who are so well competent to make them; and I can assure those who have offered them and the House that they shall receive every attention from Her Majesty's Government, who will take advantage of such of those suggestions as they think likely to conduce to the efficiency of the public service. But I entreat the House to believe that the attentions of Her Majesty's Government shall be most carefully and anxiously directed day by day to these sad events. We feel not only how afflicting are the details which reach us from time to time, but also the vast importance of the conflict now going on. We have no doubt, however, of our ultimate success. We are confident that the strength and power of this country will be put forth to suppress this insurrection, let the causes of it be what they may, whether they be religious or political, or from whatever quarter or source they may have sprung. I shall not enter into those causes now; but I can assure the House that we feel the full importance of maintaining the Indian empire of this country, that no exertions towards that end shall be wanting on our part, and I have the most perfect confidence that those exertions will be attended with complete success.

MR. DISRAELI was understood to say: I am not at all disposed to find fault with the Government for embodying the militia. I only wish they had done so on a larger scale and to a greater extent. I only wish our home defences were at this moment not inferior to what they were during the late war, for we had then three great sources of home defence—our Artillery, our

Marines, and our Channel fleet. But now our Artillery has gone to India, our Marines are in China, and our Channel fleet does not exist. With respect to the transmission of troops by ships of war of the highest class, according to the reports we have, there are ships of that character quite sufficient to secure an efficient defence of our own country, and yet to act in the manner which the gallant General suggested. Nor do I see why, because some of the ships might be occupied in the manner so suggested, we should not at the same time have the great advantage of a Channel fleet. I think everybody must admit that, in an emergency of this kind, after all we have heard during the last few years of the application of science to the purposes of war, after all we have heard of screw-propellers and overland routes to India, it is extremely mortifying to find that we cannot have recourse to any of those new sources of strength; but are driven to take advantage of the same means of conveyance which those who preceded us were compelled to employ. I think that is very much to be regretted; and, although we may not be able to send 30,000 or 40,000 men over-land, yet there can be no doubt that 5,000 men, if they had been sent through Egypt, would have been a most valuable addition to the force which we have in India, and arriving there very shortly after the troops we had sent to China, there would have been a force of 10,000 men, which might have had a very considerable effect on the fortunes of the war. I am very glad to hear that this militia force is to supply the place of our regular garrisons. I think it is much to be regretted that it has been too prevalent of late to look upon the militia merely as a means of recruiting the line. The highest function of the militia, that they are the constitutional defenders of our country, ought never to be lost sight of. During the late war, it was to be regretted that at no time was there a militia regiment that was not pestered by a parcel of recruiting agents, and that the tone and character of our militia regiments in the service were lessened and degraded to a degree of which every officer who commanded a militia regiment is aware. All this might have been avoided, and greater support given to the regular army, if there had been a nearer relation between the militia regiments and the line. In the old revolutionary war, there were certain relations between the militia regiments and the regiments of the line, which acted reciprocally and most beneficially on each other. The regiments of the line were recruited from the militia of their respective counties, and the tone and character of the militia regiments were much higher during the revolutionary war than during the war with Russia. Complete militia regiments at that time were enlisted for active service, and I believe there was then a greater and more continuous supply of men, although those arts of enlistment which were practised during the late war were not had recourse to. However, the militia is to be embodied, and that is a wise and proper measure. I wish it had been on a greater scale; but, at the same time, it is to be embodied for a great public purpose, and I have no doubt the result will be highly satisfactory. It is unnecessary for me to enter into any discussion with regard to our position in India. The gallant General has spoken on that subject with authority, and also with great courtesy, in reference to some observations which I recently addressed to the House. Nothing that has since occurred has at all modified the opinions to which I then gave expression; but I don't think it expedient to enter now into any farther discussion on that subject. We have only one object before us, and that is, so far as the House of Commons is concerned, to let the Government understand that we are most anxious to forward all those measures which are calculated to bring the efforts now making to suppress this revolt to a successful termination. But, in doing so, we should remember the responsibility which devolves on us all freely to express our opinions, if at any time we should think the Government not acting with sufficient energy and in a manner tending to produce the results we all earnestly desire. I very much doubt whether the suggestion of the gallant General, with respect to sending a steamboat flotilla to Cawnpore, armed as he stated, could be carried into effect. But there is no doubt that, at this moment, much depends on the fate of Cawnpore. I think it is a much more important question than that of Delhi. There is a railroad from Allahabad to Cawnpore to the extent of sixty miles; and, although the locomotives are liable to destruction, it might still be used as a tramroad. There will be sixty or seventy miles more, over which the troops would have to march, and through a country where the population is to a great extent in insurrection; but it may be assumed that in five or six days the force from Allahabad would arrive at Cawnpore, and we will not doubt but that their arrival there would be the signal for success. It appears to me that on the fate of Cawnpore much, if not everything, depends. If we can maintain our post there until November, when the advance of the army takes place, we may indulge confident hopes of success. But in so doing it is of the utmost importance that we should in November make an advance, both by the Indus and through Bengal which will demonstrate to the whole Peninsula of India that our force is comprehensive and irresistible. I trust the plans of Her Majesty's Ministers will justify these expectations. I am not entirely satisfied, however, as to the sources from which their support is to be gathered. The other night inquiry was made as to what might be expected from the Cape. We have a very considerable force at the Cape, and the policy of the Government to keep a large military force at that point, is well calculated for emergencies similar to the present. But I have never heard or have been able to collect from Her Majesty's Ministers whether we really are to expect any assistance or any contribution from the garrison of the Cape to this army which we are collecting in India. The hon. and gallant General the other night pressed on the House the expediency of sending some regiments from the Cape, and the right hon. Gentleman the Secretary for the Colonies, who followed him, I think, said the Government had pointed out the importance of this policy to Sir George Grey, the Governor of the Cape, and had left the matter to his discretion. I repeat, I should like very much to know whether the Government can tell us whether the Governor of the Cape is taking any steps in this emergency, and what proportion of the forces under his control he is prepared to contribute to our Indian army. There is an impression abroad that the Governor of the Cape is not inclined to see his forces diminished, and as the importance of the question can hardly be exaggerated I should be glad if her Majesty's Ministers could satisfy the House and the country upon the point. We may be told there is some danger of a Kaffir war. Of course, if we are officially informed that there is such danger we must give great weight to the assertion; but from all the information which reaches me—and which is unofficial

—I should say that there is no danger of a Kaffir war. Probably at this moment there is less expectation of such a war than there has been for many years past, and I am therefore desirous of knowing why so many regiments are retained at the Cape at a crisis like the present. I ask this question because I remember that the Governor of the Cape of Good Hope —a gentleman of great energy, who has shown on many occasions that he possesses qualities which entitle him to command—was for some time Governor of the settlement of New Zealand, and that during the period of his governorship he maintained the largest military force ever assembled in that colony. At one time, I believe, there were at least six regiments in New Zealand, and the prosperity of the colony and the great increase of revenue were perpetually pressed upon our attention; but this prosperity turned out to be mainly, if not entirely, attributable to the expenditure of this large military force. I now find the same Governor at the Cape of Good Hope, with a still greater military force. I know that the expenditure of a regiment at the Cape is calculated, on the lowest estimate, at £30,000 a year; and I can understand that a gentleman who has the reputation of great energy, and who has a large military force under his command, would feel—if it were left to his discretion—very much indisposed to decrease that force. I should therefore be glad to learn whether Her Majesty's Government—from general information, and upon their responsibility —have given more definite directions for the despatch of troops to India from the Cape than a mere appeal to the discretion of the Governor. In touching on this subject I cannot help referring to a point upon which I should have been glad to hear the opinions of hon. Gentlemen of the military profession. I allude to the term of military service of regiments in our Colonies. Some of the regiments sent to our Colonies are kept there a much longer time than is just or politic, or for the interest of the country. I remember that at the beginning of the Session, an hon. Friend of mine, the hon. and gallant Member for Honiton (Major Stuart Wortley) asked the noble Lord opposite whether it was the intention of the Government to recall the 45th Regiment from the Cape of Good Hope, but the noble Lord very properly replied that he had nothing to do with the disposition of Her Majesty's troops, and that the question was one for the Horse Guards to determine. This is an occasion on which that subject may be referred to, and I must say that the position of the 45th—a very gallant regiment, and one of high character—ought not to be unnoticed in such a discussion as the present. The usual term of service for an infantry regiment in such a colony as the Cape is, I understand, ten years, but the 45th has been at the Cape for fifteen years, and I believe there is no prospect of its relief. The consequences of such service, protracted beyond the intentions of the Government and of the country, are most serious and injurious; and if a regiment in these circumstances falls under a Governor who likes to be at the head of an army and to exercise very great influence and authority, the prospect of relief is so slight that unless its position is brought under the notice of such an assembly as this it is likely to remain without redress. The 45th Regiment which went out to the Cape in the expectation of remaining there for ten years, has already been on the station fifteen years. The men have no quarters; they are scattered in detachments over South Africa, leading lives of continual hardship; incurring physical and moral disorganization, yet they are Englishmen, officered by English gentlemen, and there is no prospect held out to them of any redress. At the commencement of this year, in May, I believe, there was a sort of unofficial announcement that they were about to be relieved, and I am told that the scene which took place between the officers and men—such of them, at least, as could be collected, for so scattered were the detachments that it would have required two months to assemble the entire regiment—affected all those by whom it was witnessed. I should be very glad to hear that they were going to India. It would at any rate be a change of scene to besiege Delhi or to relieve Cawnpore. After undergoing years of toilsome duty they had no opportunity of gaining promotion in the Crimea, or of attaining that distinction which all Englishmen covet, and which is the main reward of public duty and service. I believe the position of this gallant regiment is truly heartrending, and I trust the Government will consider the circumstances to which I have called attention. The hon. and gallant General (Sir William F. Williams) who spoke in defence of the Government, and who vindicates his friends in a manner which I should be very sorry, were I in their position, to experience, has accounted for the reduction of the military and naval forces of the country on grounds which, I confess, somewhat astonished me. I understood from him that the Government were fully sensible that the military forces of the country ought to have been maintained in much greater strength, but that the House of Commons would not support the necessary establishments; and that, notwithstanding the conviction of the Government that reductions were impolitic and injurious, yet, preferring place and power to the policy which they thought right, they yielded their convictions to a Parliamentary necessity. Now, I am not a supporter of Her Majesty's Government, but if I had the honour of sitting behind the noble Lord, I should do him and his colleagues the justice of saying that they were never influenced by any such considerations. I am sure that the present Ministry, or any other Ministry, would upon so grave a subject be influenced only by their opinions as to what was necessary for the advantage and welfare of the empire. I deny that the Members of Parliament, who have been referred to, were not perfectly justified in the course they adopted. When we were engaged in a most expensive and arduous struggle, during which no one can pretend that the House of Commons did not give the Government every support they required, the Members who sat behind the Government, and the Opposition vied in placing at the disposal of Her Majesty's Ministers all the means which were necessary for bringing the struggle to a successful issue. That object was attained. I have before expressed an opinion, which I now repeat, that the settlement of Paris—although there might be objections to points of detail—was such as to give us the expectation of a long and permanent peace. What was, then, the duty of the House of Commons? Our highest function is that of guardians of the public purse. Surely, when war had ceased, and when we were told and believed that there was an expectation of an enduring peace, our first duty was to enforce economy—and the most rigid economy—upon the Government, and to diminish the pressure of taxation upon the people as much as possible. The only return we could make to the people for the zeal and patriotism with which they came forward in the emergency was by showing that, when the crisis was past, we were mindful of our duty as stewards of the public purse; that we were not debauched by the habit which prevails in Parliament during the time of war, of easily voting public money; but that we were prepared to enforce upon the Government a system of reduction and economy. This was the first duty of Parliament; and it was the first duty of Government, if they believed that peace was secured, to respond to our wishes. I say, therefore, so far as the House of Commons was concerned, that we acted wisely in the course we took; because, what excites in emergencies a prompt and passionate response to the appeals of the Government on the part of the community, who have been described by the noble Lord as so shortsighted, but the conviction that advantage will not be taken of their generosity, and that when the desired result has been accomplished their interests will be consulted, and that they will be allowed to husband those resources which, if an emergency should again rise, can alone enable them to afford similar assistance to the Government? It is the economy, the retrenchment, and the reductions of taxation effected after a war which enable the community, when an emergency again arises, to come promptly and powerfully to the aid of the Government. I conceive, therefore, that when, as Members of the House of Commons, we impress upon the Government the necessity of reductions, we merely do our duty; and not only do we do our duty to our constituents, who have the first claim upon our consideration, but generally and abstractedly we adopt a politic course, because we enrich the community, and enable them, when a necessity again arises, to supply the resources which may be required. There is, however, some distinction between the position in this respect, of a mere Member of Parliament and that of a Minister of the Crown. A Member of Parliament deems it his duty on the termination of a great struggle, and after the commencement of peace, to enforce reduction and retrenchment. Something more is to be expected from the Minister of the Crown. He has sources of information not open to us, and he has a policy in his mind of which we are not the sharers. He has a responsibility on him ten thousand times greater than all the Members of Parliament put together; and if the Minister believes it to be not wise or expedient to effect reduction or retrenchment, the Minister under those circumstances is bound to come forward, and if he has that conviction it is not only his duty, but, in my opinion, it would be on his part a duty which he could successfully fulfil, to impress that conviction on Parliament. If Parliament pressed the Government for reductions which they believed would be injurious to the country it would be in the power of a Minister—and I am sure it would be in the power of the noble Lord, addressing the House in a warning and monitory tone, without making revelations inconvenient to the public service—to make such an impression on Parliament as to induce Members to relax in the efforts they were making and in the opinion they were urging. I do not say that Her Majesty's Ministers had a consciousness of the danger of the course they were taking. I commenced by expressing my perfect belief that they had not, though as to some points of degree or of time I might have some difference of opinion; but in the main the Ministers thought that the time had come when economy ought to be enforced and reduction practised. But did the circumstances of the empire justify the Ministers in having that opinion? Did the circumstances of the empire justify the Ministers in those reductions? I express my conviction that they did not. I think the Ministers ought to have been more aware of the condition of our Indian empire than they were; or, if they were really aware of the condition of that empire, I do not think they were justified in the course they pursued and the policy they recommended to Parliament. It is easy to say that it is of no use now to inquire into the cause of what has occurred; but in the long run we must inquire what has been the cause of the convulsion which has taken place. Then we are told that the events were such as no one could guard against; but if we maintain that argument we put ourselves in a false position; for if these things could happen without any human being anticipating them, what use is there for any Government? If without the slightest expectation twenty-four hours beforehand an insurrection can take place, extending over a country nearly as large as Europe, and with a populatihn of 180,000,000 of souls—if such a thing could happen without those who are responsible for the administration of that country having the slightest previous knowledge or suspicion of it—I want to know of what use or value is an administration under circumstances of that kind. Every day something oozes out which shows that the administration of India ought to have been, if not absolutely prepared for all that has occurred, most suspicious and prescient of what has happened. You cannot justify now, when you are more acquainted with the circumstances—you cannot, with your knowledge of the insubordination of the Bengal army, justify that Administration in permitting a post like Delhi, the arsenal of the empire, to be garrisoned solely by Native troops, when they must have had information of the mystical symbols of combination and conspiracy circulating in that very city at the commencement of this year. These are questions not very convenient now to urge, but when attacks are made on Members of Parliament because they performed their duty, after the conclusion of the war, in enforcing economy and retrenchment on Ministers, and when it is said that the fault of our present position is due to Members of Parliament doing their duty, it is right for us in our defence to make these remarks, and to impress on the country other considerations besides those which were submitted by the hon. and gallant General. I repeat, we did our duty in enforcing economy on the Government, though it is very much to be regretted, considering what has happened, that we were successful in our policy. I doubt not that the Government of this country acted fairly and candidly by the House in consenting to that great reduction of taxation and to those general measures of economy which were adopted. They did believe, no doubt, that they had provided sufficiently for all the exigencies of the country; but the Ministers cannot relieve themselves from this grave responsibility which devolves on them, for having, in consequence of their fatal ignorance of the condition of a great portion of Her Majesty's empire, and of their total negligence and inadvertence, sanctioned the policy, which Parliament commenced, of reduction, at a time when it is quite clear that if they had been in possession of that information, which I maintain they ought to have been in possession of, must have appeared a most unwise policy, and which has proved most injurious to this country.

MR. VERNON SMITH: The present debate began by the hon. and gallant Member for Oxfordshire (Colonel North), and by another hon. Member (Sir F. Smith,) offering some useful suggestions on the question how the revolt in India might be put an end to in a tone for which the Government could not be otherwise than grateful; and the right hon. Gentleman when he commenced, assumed the same tone, and, as I understood, deprecated the discussion at the present time of the causes of the Indian mutinies. At the close of his speech, however, the right hon. Gentleman forgot his opening warning, and fell into that line of observations in which he had on a former occasion indulged. The right hon. Gentleman referred to the speech of the hon. and gallant Member for Calne (Sir William F. Williams), whom he represented as saying that the Government, being perfectly aware of the great need of troops, had cut down the force from fear of the House of Commons. Now, I understood the hon. and gallant Gentleman to say no such thing; but at all events, I am sure the Government had no intention so to act. My noble Friend at the head of the Government has stated what I believe to be a perfectly acknowledged constitutional doctrine, which the right hon. Member for Buckinghamshire has himself adopted—namely, that, though it is the duty of the House of Commons to enforce economy on the Ministers, yet, if the Ministers are aware that the state of affairs in Europe or in any of Her Majesty's dominions makes it unsafe to diminish the military forces, they are bound to defy—if I may use that expression—even the House of Commons, and to force on the House those considerations which appear to them important. The Ministers, however, were aware of no such considerations. They proposed a peace establishment which they are still disposed to think was a sufficient peace establishment, which happened to be above the peace establishment existing before the commencement of the war, and which the advocates of economy in this House complained of as being too large. But the right hon. Gentleman says that the Government ought to have been aware of the probability of the events which have occurred in India. Now, if the right hon. Gentleman enters into that argument, and states the reasons why he thinks so, I hope I shall be prepared to meet him; but on the present occasion he had only adverted to one circumstance in connection with that point, and that is, that Delhi being a large arsenal, had been left unprotected by European troops. I shall only say, that if the Government in 1857 could have been aware of any danger existing in that circumstance, every Government for many years ought to have been equally cognizant of it; but they never were, and I deny that there existed any particular circumstances attracting the attention of Government to the inexpediency of allowing Native troops to garrison Delhi. It had always been notorious throughout India that Delhi was an unsafe and unhealthy station for European troops, and the late Sir Charles Napier, whose opinion on Indian affairs were much referred to, desired a large arsenal there, to be protected by twelve Native regiments, and never proposed to place European troops at that station. This may be a question of policy, but neither the present nor preceding Governments should be blamed with reference to this point. The right hon. Gentleman has defended himself from a supposed attack for having enforced economy. The Government do not make any charge against him upon that ground. They think it is the duty of a Member of the House of Commons to consider economy in all these matters, and when we are told that the Government diminished the forces too much, I refer, in reply, to the statement of my noble Friend, who pointed out that, though the House might tell the Government that it would vote a larger number of troops, yet the House was not ready to tell him how it would vote larger Ways and Means to maintain them. Hon. Members surely cannot have forgotton the cry of "the war ninepence." The country called out to the Government to get rid of the war ninepence, and I think that that cry was perfectly fair at the time, after the termination of all the calamities which had occurred, and there being no circumstances in Europe or in any of Her Majesty's possessions which indicated any cause of alarm rendering it necessary to keep up that tax. If, therefore, any Minister had come down to the House under those circumstances, and stated that he would not take off the war ninepence, because the arsenal of Delhi was unprotected by European troops, such a plea would have been scouted by the House of Commons, and he would have been accused of putting it forward merely for the purpose of keeping up large establishments. It would have been said this was a plain imposition on the part of the Government, for no outbreak there could possibly be anticipated at the present moment any more than in former years. The right hon. Gentleman echoed a statement made by my noble Friend the Member for the City of London, who expressed his surprise—at which I do not wonder—that, considering all the inventions of modern science, we should have no better means of despatching troops to India than by sailing vessels. The assumption, however, is not quite accurate, for great care was taken in the consideration of this question, and a number of troops were sent out in screw steamers, the others being sent in clipper sailing vessels. But the right hon. Gentleman forgets that there are many advantages in sending out the troops by good clippers. They were not only more economical—which I admit is not itself a sufficient consideration—but regard being had to the season of the year, to the want of coal, and other circumstances, the passage is said to be as likely to be made by them in seventy days as by the screw steamers themselves. Every consideration was given to the matter with the view of expediting the transport of troops to India, and considering the season of the year and other circumstances, the clippers were thought to be as likely to succeed as steamers. With regard to the question whether the troops ought to have been sent through Egypt the House must look at all the circumstances. If we had had steamers in the Red Sea to convey the troops from Suez to India, it is perfectly true that that would have been the more expeditious mode of transit, and we might have overcome the political difficulties attendant upon the passage of troops through a foreign country. But we had no such steamers ready, and if we had communicated with the Indian Government, desiring that they should be sent, or if we had sent them ourselves we should have lost as much time as in sending the troops by the usual route by the Cape. There was another reason in the unhealthiness of the Red Sea at that season of the year, which rendered it undesirable to send troops by this route. We could not by any degree of foresight have been provided with ships at Suez, nor, if we had sent out screw steamers, would there have been a sufficient provision of coal at the usual coaling stations, since the coal provided for those steamers, which usually run, would have been entirely insufficient for the large system of transport rendered necessary by the recent occurrences. There has, therefore, been no neglect of the modern inventions of science, nor any of that dulness, ignorance, or prejudice which might be presumed. All that can be said is that, under the circumstances, we have not been able to deal with the modern inventions of science so amply as we might otherwise have done. Then the right hon. Gentleman said that troops ought to have been sent to India from the Cape. I can assure him that the Government lost no time in sending the most positive instructions to Sir George Grey at the Cape to forward two regiments immediately to India. It has been left in Sir George Grey's discretion to send more than two regiments, or not; but he is instructed to send as many more as he can spare. I do not think that more distinct instructions could have been sent to the Governor of the Cape. At the same time it happens, by a curious coincidence, that Lord Elphinstone, the Governor of Bombay, with an energy and discretion that cannot be too highly applauded, sent for two regiments from the Cape, and also despatched steamers with the troops, so that they might be forwarded to Bombay with the least possible delay. I do not think, therefore, that the Government can be justly charged with any want of energy and foresight in respect to the Cape. But the right hon. Gentleman has thrown out a charge and has led us by implication to suppose that Governor Sir George Grey is not likely to act on these instructions, or to send as many troops from the colony as he can spare. I have the honour of Governor Grey's acquaintance, and I do not believe there is any man more ready to act on his own responsibility. Sir George Grey is not only a man of judgment, but of undoubted nerve and high courage. He is not likely to be alarmed at the position of affairs in the colony, and there is no doubt that if he can spare more than two regiments he will send them to India. Governor Grey, in all the offices he has filled, has executed his duties to the satisfaction of his superiors and the public. I happened to be attached to the Colonial office when he was first appointed to a colonial government by my noble Friend the Member for the City of London. That appointment was given to him from a knowledge of the energy and skill he had displayed in his journeys in Western Australia. At that time Governor Grey was unknown to my noble Friend (Lord J. Russell), but since that time every Colonial Secretary retained him in some colonial government until he was appointed Governor of the Cape of Good Hope, in which post he has acted with courage, spirit, and judgment. My hon. and gallant Friend the Member for Westminster (Sir De Lacy Evans) has referred to the Native Princes of India, and he says that we ought to manifest our satisfaction with their services and fidelity by giving them an increase of territory. Well, that may come hereafter, but it is at present doubtful whether it would be expedient to exhibit in that manner our acknowledgment of their conduct. Many of the Native Princes have, no doubt, behaved with great gallantry, generosity, and friendship to the Government of India. The hon. and gallant Gentleman has referred to Holkar. That chief has, no doubt, maintained his allegiance and behaved with sincerity to the Government of India, but it also happens that Holkar's troops have all turned against us; and it would, therefore, be rather premature to give him an increase of territory, [Sir De L. Evans: These troops have been put upon him.] They are supposed to be under him, and in such a state of things it would be premature to give increased territory to any chiefs who have exhibited their goodwill in so unsupported a manner. Many of the suggestions of my hon. and gallant Friend, however, will be valuable as objects of future policy. The hon. and gallant Gentleman the Member for Chatham (Sir F. Smith) recommends us to send out sappers and miners. That suggestion, coming from so experienced an authority, no doubt deserves, and will receive, due attention. The right hon. Gentleman has suggested that steps ought to be taken, and troops sent out for the relief of Cawnpore. That is a question which it would be difficult to entertain here; but I have no doubt that, by this time, the question must have been settled there, and I trust in our favour, by Cawnpore being relieved. [Mr. Disraeli: I did not say anything about sending out troops.] I regard the remarks of my hon. and gallant Friend as suggestions rather than attacks upon Her Majesty's Government; but when my hon. and gallant Friend says that he agrees with the right hon. Gentleman the Member for Buckinghamshire in thinking that the Government ought to provide for a second and a third campaign. [Sir De L. Evans: I did not say a third: I said a second campaign.] I must state that the Government have provided a force which they consider sufficient, and which they are assured by all the authorities upon Indian subjects will be amply sufficient to extinguish the flame of insurrection in India. We have sent out an officer of undoubted ability—Sir Colin Campbell—to take the command of the army in India. There is already in the command of that army Sir Patrick Grant, also a gentleman of undoubted ability, and well acquainted with the Indian army. It would not be wise to predict the course which it may be necessary to pursue hereafter. The Government will despatch a sufficient force to India, but before they send the larger reinforcements, which some persons think necessary, it may appear that the distinguished officers to whom I have alluded may be of a different opinion. We shall be prepared to act on the suggestions of those officers who are most competent to inform us, but I hope that the House and the country will feel assured that there has been no lack of consideration as to the amount of force necessary to put an end to the revolt. An ample force has been sent out for this purpose, and our reinforcements will arrive at the best season of the year. They will, I cannot doubt, display those military qualities which lead to success, and, although I would not hold out hopes that might be falsified by the event, I will assure the House that this question has not been treated lightly by Her Majesty's Government, but has been regarded by them as one of the saddest and most serious events that has ever occurred to this country. These difficulties will, however, be surmounted, for I am certain we shall be backed by the House in every endeavour to overcome them. And when Her Majesty's Government turn their minds to the reorganization of the Indian army, and to the question whether it will not be their duty, by a large addition to the European force in that country, to keep down the appearance of insurrection on the part of the Native regiments, they will at the same time consider by what means they can best secure and advance the happiness, comfort, and well-being of the Natives of India.

Mr. HENLEY said, it would be out of place for him to offer an opinion on military affairs, but he felt bound to take some notice of the speech of the hon. and gallant Member for Calne (Sir William F. Williams). He did not know whether the hon. and gallant Gentleman intended to make an attack upon his Friends on the Ministerial benches, for providing insufficient means for putting down this revolt, but he did make an attack upon the House of Commons for having put a pressure upon the Government, and for having cut down the establishments too low; and he, for one, protested against any such conclusion. What had since taken place completely negatived such a conclusion, unless, indeed, the hon. and gallant Gentleman (General Williams) was of opinion that the Government ought to have foreseen the danger of this outbreak in India. The Government were now despatching between 20,000 and 30,000 men to the East, and yet they had not felt it necessary to call out the Militia—they had merely asked for the power to call it out at some future period. Surely, when it had furnished the means, in time of peace, of sending out a force of 20,000 or 30,000 men to the other end of the globe, the House of Commons could not fairly be charged with having cut down the establishments of the country too far. The right hon. Gentleman (Mr. Vernon Smith) had backed up the statements of the hon. and gallant General, and, in so doing, had made a hash of two things that were totally distinct. When asked why a European force had not been stationd at Delhi, the right hon. Gentleman's answer was, that that could not be done consistently with the remission of "the war ninepence." Now, whatever might have been the information possessed by the Government, as to the necessity for garrisoning the seat of the ancient Mogul empire, it was plain that the war ninepence could have had no possible connection with the matter, because they all knew, and the noble Lord the Prime Minister had that very night assured them, that the cost of providing additional regiments for India fell exclusively upon the Indian treasury. He denied, then, that pressure had been put upon the Government by any part of the House, to compel them to reduce the military force of the country below the proper limits. Whether the Government might have had reason to anticipate such an outbreak as had since occurred in the East, was quite another question, into which he would not now enter; but, whatever might be the requirements of India, that House ought not to be reproached with having forced the Government to cut down the military strength of the kingdom to a point incompatible with the national safety and honour. Indeed, the noble Lord the First Minister of the Crown had himself entirely exonerated the House of Commons from the charge which the hon. and gallant Gentleman had thought fit to bring against it.

SIR WILLIAM WILLIAMS said, he rose to observe that what he had said had been misapprehended by two right hon. Gentlemen who had addressed the House. He had made no attack upon the House of Commons. He had merely stated his opinion, as a Member of that Assembly, that the reductions which had been effected were unfortunate and precipitate; and he had added, so great was the pressure from without, that if the Government had thought it necessary to have a larger body of troops, they would not, from the spirit of certain parties in the House, have been able to obtain them.

SIR DE LACY EVANS explained, that what he had said in regard to Holkar was, that that chief had been personally faithful to us, and that he had proved his fidelity by sending his treasure from Indore, his own capital, to our fort at Mhow. He was quite aware, however, that Holkar's regiments had mutinied.

MR. DISRAELI said, he was sure the hon. and gallant Member would not believe him guilty of any wilful misrepresentation with respect to the statements of the right hon. Gentleman as to what had fallen from him (Mr. Disraeli) on the subject of a third campaign. He (Mr. Disraeli) had not said that he anticipated a third campaign; quite the reverse. He said he hoped the war would be finished in the second campaign, because if it were allowed to extend to a third, the results might be most disastrous.

MR. SPOONER said, that, without imputing to the noble Lord at the head of the Government, or the right hon. Gentleman the President of the Board of Control, any want of a proper feeling on the subject, would observe that it would have been very gratifying to both the House and the country if the Ministers of a Christian nation had, while talking of the means taken to quell the Indian mutiny, acknowledged in terms that all those preparations and exertions would prove utterly futile if they did not receive the blessing of Divine Providence. An expression of their dependence on the great Disposer of events—that it was not on the national strength, or the national valour, but to the providence of God, they looked for a successful termination of the struggle, would have been only becoming on the part of the noble Lord and the right hon. Gentleman, and only what the country would have expected. He was very glad to hear the hon. and gallant

Baronet (Sir W. F. Williams) use the expression, that he trusted those measures would, by the blessing of Providence, prove successful; and he only regretted that the noble Lord and the right hon. Gentleman had not openly declared—what he did not accuse them of not feeling—the same confidence in the Almighty.

Bill read 3°, and *passed* with Amendments.

DULWICH COLLEGE BILL.

LORDS' REASONS FOR DISAGREEING WITH COMMONS' AMENDMENTS.

MR. BAINES observed, that to a great number of the Amendments made in this Bill by the House of Commons the other House had acceded. One point on which there was considerable variance between the views of the two Houses was as to the constitution of the governing body of the College. There were four of the metropolitan parishes which were mainly, if not exclusively, interested in this Bill, and these parishes were, St. Botolph, St. Luke's, St. Saviour's Southwark, and St. Giles Camberwell. When this Bill came down from the House of Lords the governing body which it proposed to establish was to consist of four elected members —one from each of the parishes abovementioned—and eleven non-elected members to be chosen by the Court of Chancery, thus making a total of fifteen Governors in all. The measure had been referred to a Select Committee of the Lower House, when, after much consideration, it was deemed desirable to raise the number of elected governors from four to eight, so as to give two representatives to each of the four parishes. It was quite clear that it was the intention of the founder that persons representing locally the four parishes should form a large part of the governing and managing body of the institution. The Committee of the House of Commons, therefore, recommended that there should be eight elective governors instead of four, and that there should be eight non-elective governors. There was a difference in the Committee as to how the non-elective should be appointed; at last they hit on a plan which he thought was not the best that could be adopted, namely, that three of the eight should consist of official persons—the President and the Vice President of the Committee of Privy Council on Education, and the President of the Poor Law Board. However ornamental their names might be, it was quite evident that you could never expect them to give a regular attendance as part of the governing body of the institution. His opinion was, that the Lords' plan was a better one, namely, that a certain number should be appointed by the Court of Chancery, which, it was well known, took great pains in satisfying itself as to the fitness of parties proposed as the governors of charities. The Lords insisted on the Amendment which they made in the Bill with regard to the elective and non-elective governors. He was strongly of opinion that it was desirable to adhere to the opinion of the Select Committee of the House of Commons, and to the unanimous decision of the House of Commons, with regard to the eight elected governors. He thought that, by doing so, they would only be giving a reasonable satisfaction to the four parishes. Those parishes had every reason to believe that the decision of the House of Commons would be adhered to. What he should, therefore, respectfully submit to the House, by and by, was, that they should affirm their decision that eight should be the number of the elected governors; but, first, he would move that the Lords' Amendments be considered.

Lords' Amendments read.

MR. BAINES moved that the House do insist on the Amendment which they had made in the Bill, to the effect that there should be eight elected governors.

MR. KNIGHT said, he rose to move that the debate be adjourned. He believed that a worse scheme than that propounded by the Charity Commissioners for the government of this institution could not be devised, and that the bargain which the Commissioners had made with the Fellows was as bad as it could possibly be. If the Bill were thrown out, no such bad bargain could ever again be made with the Fellows. There had been a constant struggle for many years between the officers and the objects of this charity. For many years the officers had been endeavouring to seize the property left by the founder for the benefit of the poor. The officers in those endeavours had been very successful. They had got rid of a great number of the objects of the charity. They had got rid of the sixty-eight boys who were to be instructed in school according to the directions of the founder. They had got rid of the thirty out-pensioners, and of the six chanters or under-Fellows. They had got rid of the almshouses, at least they allowed nothing for their repair, and gave nothing to the persons living therein except 3*s.* 6*d.* for coal every now and then. They had got rid of a great deal of the population by their mismanagement. They had power to grant building leases, and might have made the property worth £50,000 a year, whereas it was not worth £10,000 a year. After the constant fights which had been going on for years to put an end to the mismanagement of the charity, the Charity Commissioners entered into a bargain—which he could not call corrupt, because the Commissioners could not derive any personal gain by it, but which he must call most unjust—with the Fellows, who after having mismanaged the charity would by that bargain be enabled to retreat with the honours of war, their colours flying, and cash in their pockets—the actual value of their pensions being, as he had been informed, between £70,000 and £80,000. The right hon. Gentleman who had charge of this Bill, told the House the other day that the Charity Commissioners could not help entering into that bargain, because the Fellows had as good a right to the property as any Gentleman had to his estate. Now, part of the Fellows' oath was that they would lead a single life, that they would not accept any other service, or yearly wages, or stipend from any other person whatever; that they would faithfully, according to the best of their skill, and the plain grammatical sense of the statutes of the college, discharge the duties thereof; that they would never consent to give away any lands, goods, or things whatsoever belonging to the same college, and that they would not convert any part of the property of the college to their own use. And yet these were the people who they had been told were as complete owners of the property of the college as any hon. Gentleman was owner of his estate. The fact was that the struggle to get these estates began very soon after the death of the testator; and the Fellows had got them and plundered them ever since in the most disgraceful manner. The Archbishop of Canterbury was the visitor of the college, and had full power to correct all abuses in its management, but none of the Archbishops of Canterbury had discharged that duty. The Court of Chancery was frequently asked to interfere, but though there was a distinct trust for the poor, it preferred to leave the Archbishop of Canterbury to do so. The statutes for the government of the charity were made in 1626, in which year the testator died. In 1633 began the first quarrel for a surplus, for even so early as that year a surplus had accumulated. Ever since there had been quarrels for the surplus. These Fellows had, for a considerable number of years, been putting several thousands of pounds into their pockets. In 1633 there was a surplus of £240. The churchwardens of the parishes interested appealed to Lord Keeper Coventry with respect to it. The Fellows, he believed, violently opposed that appeal. The result was that Lord Keeper Coventry decided that £120, one-half of the surplus, should be placed in the common chest of the college, and that the residue should be applied to other charities contemplated by the testator, and he ordered that if there should be a surplus thereafter it should be applied to such of those additional charities as the Court should think fit. The Fellows had cut off the additional recipients of the charity. This opinion was given only six years after the death of the founder. Then came the civil wars, during which the income was greatly reduced, but he believed that it was decided that the loss should fall on the officers and not on the objects of the charity. After the Restoration, however, in 1667, Archbishop Sheldon went to Dulwich as Visitor, and, finding a surplus of £139 10*s.*, decided that it should be expended in placing boys at the Universities, in weekly allowances, and in similar ways, In 1724 Archbishop Wake was visitor. and, finding that the income of the charity had increased from £800 to £1,000, he also, while giving the Fellows a share in the increase, directed that the residue should be apportioned in the manner ordered by Archbishop Sheldon. There had been one or two fights before the Court of Chancery, but no decision had been given as to whom the surplus was to go. The point raised had always been this:—are the additional Fellows a part of the corporation? And Chancery had always said, "They are not in the letters patent, and cannot be a part of the foundation." It was quite clear, however, that they ought to have been assistants to the corporation, instead of which they had been cut off one by one, and the whole of the surplus had gone into the pockets of the officers. Archbishop Sheldon, when making his redistribution of the surplus, was violently opposed by the college, and particularly by one of the Fellows. What did the Archbishop do? He turned the Fellow out, and there was not the slightest doubt that the present Visitor, if he chose, could do the same. Lord Langdale, when the question came before him, decided that Chancery had no power to touch the trust, though the Visitor had. Up to this time there was a surplus of some thousands, which the officers placed in the common chest; but on the 1st of March, which was what they called the dividend day, they put it all into their pockets and walked off with it. In 1834 the Charity Commissioners, a body of eleven eminent men, inquired into the subject, and said it was quite clear that the Fellows were putting into their pockets very much larger sums than were intended by the founder or were given by the statutes. In fact, until the present Charity Commissioners were appointed he could find nobody who supposed that the Fellows had not done so. The Commissioners decided that these persons had the entire right to the funds, a right which nobody could touch, and recommended that a compromise should be made with the Fellows on their own terms. Moreover, the Commissioners pointed out that as the property was rising in value, so the surplus put into the common chest, and thence into the pockets of the Fellows, would increase. No doubt, it was said, there would, within a certain time, be £20,000 to be divided; and the Fellows in the most generous manner pretended that they were giving up something for the benefit of the public. The fact was that the indignant country was turning them out; yet, after misappropriating such large sums, and being let off with all this money, they wanted to retire with £70,000 or £80,000 in their pockets. The proposal was so thoroughly unjust and iniquitous that he did sincerely hope the House would not allow the Bill to be forced through at this period of the Session. Let another Select Committee be appointed next Session to inquire into the rights of the Fellows. Though Chancery could not touch the trust the Archbishop could, and he, as visitor, following the example set by Archbishop Sheldon, could send them neck and crop about their business if they did not agree to that which was right. The parishes were in this position—they all allowed that these retiring pensions were the grossest iniquity in the world; but they said, "The Charity Commissioners have sided with these Fellows, and as they possess great power and influence, we had better, perhaps, give up the £70,000, in order to obtain the rest." Now, this was a sort of compromise with the Devil, which he confessed he could not make out. It provoked him so much that he could hardly keep his temper when he talked about it. He did not like the scheme proposed by the Charity Commissioners. It was, he believed, their pet scheme—a model scheme—and if it passed there were to be a great many more like it. But as it came down from the Commissioners he thought it objectionable in more than one particular. Its effect would have been to give over the charity entirely to the wealthier classes, cutting out the poor altogether. It was to be a boarding-school for the upper classes, the orphans being left out of consideration. To a certain degree it had been altered in the Select Committee, but not at all to the extent he could wish, because the children were still to be subject to a tax of £8 or £10 per annum, which in such a wealthy charity ought not to be. Then there was no expansion; it was a sort of dead, dry scheme, drawn up without the least regard to the will of the founder, and so bad in itself that it would be better to do without it. He hoped the House would not allow them to carry out the scheme this year. Let the point be well considered whether the Fellows had a right to oppose a fair and just distribution of this money or not. He regretted to say that the Select Committee had not attacked the Fellows as they ought to have done, and as he hoped they would do next year. They did not say, "These men shall be called upon, as trustees, to account for the money they have already received and pocketed." On the contrary, they said, "As the Commissioners have given them to you, we will not interfere with your salaries." He wished to do so, but the Select Committee did not support him, because they had not inquired into the case. With respect to maintenance, it appeared that by the original statute £10 a year each was allowed for the maintenance of the Fellows. Archbishop Sheldon increased that amount to £15, but still the sum was, he admitted, very small. He had no doubt, therefore, that if the Archbishop had been applied to, as he ought to have been, he would have granted some further allowance. The Rev. Mr. Howes, the Senior Fellow, who gave evidence before the Committee, said that he had been a Fellow of his college at Cambridge, and that if he estimated the value of his board and lodging there at £100 a year he should think it a fair sum. He (Mr. Knight) had no doubt, therefore, that if the Archbishop had been asked he would have fixed it at £100; but the Archbishop had not been consulted, and the next thing they heard of it was that the Fellows had taken to themselves £300 a year each, and £75 a year for a horse. The Select Committee said, "Suppose we take the Charity Commissioners' dictum, that this is their own property, yet surely board and lodging are not their own property—they are boarded and lodged while they perform duties, but not for ever, and surely they ought not for ever to receive those allowances of £300 a year and £75 for a horse each. [Mr. BAINES intimated that they did not receive that sum.] Yes; that was their own statement. They were to receive those sums for life. One got a curacy, another went somewhere else; they no longer performed any duties, but they still took that money, which belonged to the poor, every year pocketed it, and carried it off. These Fellows drank the best wine, rode fine horses, and led a splendid life of ease. Really it appeared to him as if the place were a sort of little Protestant monastery. If they complained of luxuries and abuses in Roman Catholic monasteries, they would be told that the monks had considerable duties to perform; but these people boasted that they did nothing. Mr. Howes said that he was lodged on a free and liberal scale, that his duties were very light—only preaching one sermon once a week,—that he had nothing to do for what he received. Unless these gentlemen could show some better reason for claiming so large a sum it ought to be considerably reduced, and, instead of complaining of a reduction, they ought to consider themselves exceedingly lucky in having received so much for so long a period. In conclusion he would move the Adjournment of the debate.

SIR GEORGE GREY said, that the only question before them was that the House should insist upon its Amendments, and he should not therefore follow the example of the hon. gentleman who had just sat down, which was quite irregular, and discuss the merits of the whole Bill. He reminded the House, however, that this was not a Bill of the Charity Commissioners, but that it was founded on a scheme originally prepared by them, which had passed through two Select Committees of the House of Lords, and one of the House of Commons, in which it had undergone the most careful inquiry and been considerably modified. He would not say more upon the merits of the Bill, because the hon. Gentleman had made the same speech as that which he had just addressed to them on the third reading. He was answered on that occasion by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. Baines), and by the hon. and learned Member for Wallingford (Mr, Malins), and the third reading was agreed to by a large majority. The question before the House was practically whether there should be eight members in the governing body elected by the parishes, or only four. His right hon. Friend did not propose to interfere with the Amendment which related to other portions of the governing body, but he thought it desirable that the decision come to by the Select Committee and approved by the House, that the members elected by the parishes should be eight and not four, should stand part of the Bill. That being the only question before the House, he hoped that the discussion would be confined to that.

MR. W. WILLIAMS said, that speaking on the part of the parish of Camberwell, although his constituents were by no means satisfied with the Bill, yet the difficulties which had been experienced in bringing matters to this point had been so great that they would much rather the Bill should pass in its present form than that it should be thrown out. He could not understand the ground on which the hon. Member for West Worcestershire (Mr. Knight) opposed the Bill. He had given them a long statement from a pamphlet showing the horrible mismanagement of this charity for the last 200 years, and now he stood in the way of effecting any improvement by desiring to throw out a Bill which gave them better terms than they would ever be likely to obtain again.

MR. T. J. MILLER said, that as a Member of the Select Committee he might be allowed to observe that he had heard the observations of his hon. Friend (Mr. Knight) with great surprise; because in the course of the lengthened investigation which took place before the Committee, it was his gratification to hear his hon. Friend express his satisfaction at the scheme which the Committee had recommended. His hon. Friend had to-night complained on just and strong grounds that the funds of the institution had been misapplied to a considerable extent, and had expressed regret, in which he (Mr. Miller) concurred, that the objects for which they were intended had not derived the full advantage contemplated by the founder. Now, the desire of the Committee, with a view to carry out the intentions of the founder, was to confer upon those objects as much of benefit from the institution as it was possible for Parliament to secure; and one of the most important Resolutions of the Committee was that a certain class of poor persons should come in and participate in that benefit; and of this Resolution his hon. Friend had in Committee expressed his unqualified approval. He (Mr. Miller) had also, with much surprise, listened to the objections which his hon. Friend entertained to the scheme embodied in the Bill. He said that hitherto the institution had been so entirely mismanaged as to be a disgrace to those who had the management entrusted to them, and that he put forward as a reason why the system should not now be altered. But one would have thought the logical deduction from these premises would have been the exact reverse. The gist of his hon. Friend's opposition, however, was to be found in his assertion that they were about to compensate the servants of the institution to a much greater amount than they were entitled to receive. Well, he admitted, and with some regret, that the amount charged upon the institution for those servants was somewhat large—not quite so large as his hon. Friend had stated, though still large. But the fact was, that by the statutes or ordinances of the founder, they were fully entitled to all they demanded, and he believed that nothing could deprive them of their title to make the demand except the authority of Parliament; and judging from his short experience in that House, he was satisfied that Parliament would not act upon a principle that went to deprive persons of vested interests of which they could not be deprived under the common or statute law of the land without awarding a full compensation. If the sums of money which the Fellows received and the other advantages which they enjoyed were calculated, it would be found that the House of Lords and the Charity Commissioners had fixed upon exactly equivalent sums for their retiring allowances. But in doing so, far from doing the institution any injustice, it might be said that they did injustice to the Masters, Fellows, and Assistants, because under the items they were each entitled to a certain proportion of the income, whatever that income might be, and it had increased from £800 a year, at the time of the institution being founded, to £9,500 a year, with every probability of its reaching £20,000 a year within a very short time. If, therefore, the prospective advantages were taken into account they were entitled to more than was to be given to them. He trusted the House would concur in the proposition of the right hon. Gentleman to adhere to their Amendment.

MR. JOHN LOCKE said, that he had certainly been under the same impression as his hon. and learned Friend (Mr. Miller), and had understood that the hon. Member for West Worcestershire (Mr. Knight) was highly delighted at the conclusions at which the Select Committee came, and had expressed his satisfaction at the prospect of the benefits of the institution being extended to eighty boys and to four parishes, with a population of 150,000 souls. The representatives of those parishes were extremely anxious that the Bill should pass, and the Master, Warden, and Fellows would be the only persons who would have reason to be pleased if the hon. Member for West Worcestershire should succeed in overthrowing it. Although the original scheme had not been carried out in spirit, there was no doubt it had been carried out to the letter, and that there was no foundation for the charge that downright robbery had been committed by the officers of a charity of which the Archbishop of Canterbury was the visitor. If the Master-Warden and Fellows took a little too much, it would only be for their lives; and, considering the dignity, honour, and position which they gave up, and the failure for fifteen years of all attempts to place the institution upon a new footing—whether made by the Visitor, the Court of Chancery, the Charity Commissioners, or Parliament—he did not think that objection ought to induce them to reject the Bill.

MR. HADFIELD expressed a conviction that the poor of this country were injured to a vast extent by the misappropriation of various charities, and he regretted to add that the Courts of law, and even Parliament itself, had sometimes sanctioned arrangements contrary to the intentions of the founders. In the proportion that the sums to be paid to these officers were in excess of what they were strictly entitled to receive, in that same proportion would the poor objects of the charity be denuded of their rights, and from what he had observed of the provisions of the Bill, and more especially as regarded the payments to be made by poor scholars, he really feared the interests of the poor had not been sufficiently attended to.

Mr. BAINES said, that although an entrance fee would be allowed to be charged, the governors would have ample discretion to admit boys without the payment of any fee at all.

Sir W. HEATHCOTE said, he thought there was great inconvenience in raising a discussion on the merits of this Bill upon the very narrow question whether the House should agree or disagree to the Lords' Amendments with respect to particular parts of the measure. He understood the objections of his hon. Friend (Mr. Knight) to relate chiefly to the allowances to be paid to the persons who were retiring from a position in which, as far as he could gather, they had a vested interest; and he believed it had never been the practice of Parliament to dispossess persons of positions in which they had a vested interest without according them a fair retiring allowance. The other question related to the arrangements with respect to the governing body. These were the only points before the House, and whatever might be the merits of the case, it could not be said they had not been carefully considered. It appeared the parishes concerned were satisfied, and the other parties were satisfied with the powers given to the Chancellor, and therefore he (Sir W. Heathcote) hoped his hon. Friend would not press his objections to the Bill, and drive the House to vote on an issue which he had not raised.

Mr. COX said that he felt himself placed in a somewhat difficult position respecting the hon. Gentleman's Motion, for although the hon. Member for Southwark (Mr. Locke) had presented a petition from the four parishes in favour of the Bill, he (Mr. Cox) had been told by persons, parishioners in St. Luke's, that they were in favour of its postponement during the present Session. Under all the circumstances, however, and considering that the Bill gave the four parishes eight representative governors in all, he should support the proposition of the right hon. Gentleman (Mr. Baines).

Motion, by leave, *withdrawn.*

Resolved,—

That this House doth insist on its Amendment at page 2, line 18, to leave out the word "16," but doth propose to insert the word "19" instead of that previously inserted; and doth insist on its Amendments in page 2, lines 21 and 26; and doth not insist on the other of the said Amendments to which the Lords have disagreed.

Committee *appointed,*

"To draw up Reasons to be assigned to the Lords for insisting on several of the said Amendments to which the Lords have disagreed:"—Mr. Baines, Mr. Taverner Miller, Mr. William Williams, Mr. Cox, and Sir John Ramsden. To withdraw immediately; three to be the quorum.

CROWDED DWELLINGS PREVENTION BILL.

WITHDRAWAL OF BILL.

Order for Committee read.

Mr. COWPER said, he had come to the resolution to withdraw this Bill, feeling that in the last week of a protracted Session the opponents of the measure had a power commensurate more with their pertinacity than with their numbers. The opposition, in the present instance, had this peculiarity, that it came mainly from the hon. Members who represented those parts of the metropolis in which evasions of the law were most frequent, and in which the greatest number of lodging-houses were found, to the injury of health and the detriment of morality. Under these circumstances he begged to move that the Order for going into Committee upon the Bill be discharged.

Mr. AYRTON said, he could not but regret that the right hon. Gentleman had not done a graceful thing in a graceful manner, but had considered it necessary to make remarks as uncalled for as they were unfounded. The right hon. Gentleman had no doubt withdrawn the Bill because he had discovered that it was entirely erroneous from beginning to end, that it would not carry out its professed object, and that it was not in the least degree necessary.

Order *discharged.* Committee *put off* till this day month.

AUSTRALIAN POSTAL SERVICE.

PAPERS MOVED FOR.

Mr. MACARTNEY moved an Address for copy of any contract entered into with the European and Columbian Steam Company, or the European and Australian Royal Mail Company, in pursuance of a tender bearing date the 11th day of June, 1856. In so doing, he disclaimed any personal interest whatever in the matter;

but he had, for several years, taken a deep interest in the prosperity of the Australian Colonies, and had acted with his late lamented Friend, Lord Jocelyn, for the purpose of promoting postal intercourse between them and this country. Last year, the subject of postal communication to Australia occupied the attention of the House, and he would refer to that and the circumstances which preceded it. In the year 1854, the postal service between these colonies was performed by the General Screw Company, in connection with the Peninsular and Oriental Steam Company, but the former Company had ceased, and the latter had to withdraw several of its vessels for the transport service. In 1855 it was performed by clipper ships, but they exceeded the average time agreed upon so greatly that the Government had to put an end to the contract. In 1856 a question was put to the hon. Gentleman the Secretary for the Treasury on the subject, and he stated that the service would be performed by screw steamers under contract, and that the colony would pay half the amount. In the May following he said that tenders had been sent in in the March preceding, but that they had been all rejected. On the 19th June, the right hon. Member for Droitwich (Sir John Pakington) asked the hon. Gentleman what was the position of the arrangements, and the reply was, that tenders had been sent in that day, but that, as there had not been sufficient time to examine them, he would give an answer on the day following. It was not, however, until the 26th that the right hon. Gentleman answered, and then he stated:—

"That it was a matter of no small difficulty to arrange a service of such importance in a manner in which it should be carried out perfectly satisfactory to the Government of this country, and to those colonies that were so much interested in it. There had been so many trials and failures of former experiments, that it was obviously necessary that the matter should be arranged, not only in a manner that would give satisfaction at present, but that would ensure permanence. The House was aware that after a great deal of consideration, advertisements were issued for tenders, the object of which was to test all the different routes by which Australia could be reached in the shortest possible time. After putting out these advertisements, offers were received by the Government of such a nature as to show both the Government at home and the representatives of the colonists in this country interested in the subject that the only sure way of reaching Australia in a short time would be, by the overland route to Suez, down the Red Sea to Point de Galle, round Cape Louis to Melbourne. Well, after very considerable attention to the subject, the Admiralty came to the conclusion that this was the best route, and they authorized the Treasury to advertise for tenders, and the Government had received four tenders for that service. He would shortly state the nature of them. One proposed to carry the mails for a comparatively small sum of money, but there was, as regarded that tender, this disadvantage—that no vessels were ready, that at least twelve months would elapse before the vessels could be ready, and three months more before they could be placed on the sation. It therefore appeared to the Government that this tender could not be accepted. On the ground of delay alone they would not be justified in accepting it, as it involved a delay of fifteen months. The next tender was of a similar nature. The amount was not very large, but there again the vessels were not ready, and a very long time must expire before the service could be commenced. Under these circumstances the Government also felt justified in rejecting that offer. The third tender was put in by a very powerful company, competent to carry out the service, and having in their possession vessels sufficient in power and sufficient in number; but the company proposed this condition, that, the Government should wait for an uncertain period before the commencement of the service, and until those vessels were disengaged from the transport service in which they were, at present, employed. That was a conclusive reason against accepting that tender. But there was another reason, namely, that the company refused to be bound by the penalties, which were strict, and which, on all occasions where there was a non-fulfilment of a Government contract, it was necessary should be imposed. Besides, it was obvious that, in a contract of this kind, affecting both this country and the colonies, whatever conditions were imposed must be imperatively adhered to by the home Government, who could not relax any condition in which the Colonies were equally concerned. Therefore, on two grounds, the Government were obliged to reject this tender; first, because the company were not in a position at once to commence the service, and, secondly, because they would not bind themselves by those penalties which were considered absolutely necessary to insure that the service should be performed in a satisfactory manner. The fourth tender was the largest in amount by a considerable sum, but it comprehended the immediate commencement of the service by vessels recently built. The company also took upon themselves the performance of the contract under the penalties in full; they likewise proposed to commence the service at Southampton, though the conditions of the tender only required it to commence from Suez. They would take the mails and passengers direct from Southampton to Australia. That appeared to the Government to be a very important object, because, although there was now a perfect postal establishment at Suez, yet a late Indian mail might delay the Australian mail for a fortnight, and in that way many of the advantages which the Government were anxious to secure would be lost. Therefore, though the amount of this tender was much larger than the other offers, yet, after a communication with his right hon. Friend the Secretary for the Colonies, whom he, on this occasion, looked upon as representing those colonies which had joint interest with this country in the arrangement, and would bear a considerable portion towards the expense of the service he (Mr. Wilson) could not hesitate in consenting to pay a large sum of money in order to secure what he believed to be great advantages to the Australian Colonies. He had made strict inquiry as to the responsibility of the parties, and nothing could be more satisfactory than the account he had received, not only as to their ability in point of capital, but also as to their knowledge, energy, and business-like habits. The arrangement would be this:—The first vessel would be ready for survey in the month of August, and would depart on a voyage between Southampton and Melbourne direct round the Cape, with passengers in October; that vessel would be ready in January to take up the service from Melbourne to Suez and back; another vessel would be despatched for Melbourne in November; a third in December, and a fourth in January. From January the service would be performed between Suez and Melbourne monthly, without interruption, backwards and forwards each month. The vessels would be of 2200 tons burden, and not less than of 500 horse power. He thought everything had been done which money and invention could achieve in order to accomplish the most rapid and regular communication between this country and the Australian colonies."

The hon. Gentleman subsequently stated,

"That none of the vessels to be permanently employed would be less than 2,200 tons burden. There were two of 1800 tons to be employed temporarily. He did not exactly remember the time stipulated for the passage, but he thought that the number of days was about fifty from London to Australia. The penalty to be incurred for the non-performance of the contract was, for the first day of infringement, £50, and so increasing by £50 every day afterwards."

The first vessel should have been ready for sailing on the 1st of October, but she was not tendered as for survey, according to the statement of the First Lord of the Admiralty, until the 17th or 18th of October. The penalty was, for every day after the 1st of August, £10 per day, and £100 a day for every day after that upon which she was to start. She was surveyed on the 18th of October, she started on the 19th, and she broke down soon after.

Mr. WILSON said, there was no objection to give the returns which were asked for, but he could assure the hon. Member that, although there had been one or two failures incidental to a new company, yet upon the whole, the service had hitherto been satisfactorily performed. The Government had exacted the penalties prescribed for any breach of the terms of the undertaking, and would continue strictly to enforce the contract.

Mr. CONINGHAM said, that he must complain of the vast amount of money which was granted out of the public purse

to the mail companies. He understood, from the report of a recent meeting, that it was proposed to amalgamate the West India Mail Company and the Australian Company. What interest had the public in granting the enormous sum of £910,000 to enable two companies to amalgamate, neither of which had been very successful? There was a suspicion amongst the public that great favouritism had been shown, and he was inclined to think there was good ground for that suspicion. In the case of the West India Mail Company, their contract had been granted without being put up to competition, while the Australian Company's contract was the highest which had been offered. Neither of these Companies had successfully accomplished their work. The penalties for non-performance had been fixed, so as to enable the companies to execute their works slowly or rapidly as best suited their purposes. He would conclude these few observations by deprecating, for the future, the granting of contracts without public competition.

Mr. WILSON said, that the question of the amalgamation of the two companies had not come before him officially, but when it did, it would be considered solely with a view to the public interest.

Motion *agreed to.*

Address for

"Copy of any Contract entered into with the European and Columbian Steam Company or the European and Australian Royal Mail Company, in pursuance of a Tender bearing date the 11th day of June, 1856, and signed by John Orr Ewing, for conveying the Australian Mails from England to Melbourne *via* Southampton, Alexandria, and Suez."

"Returns setting forth the number of Days occupied in each voyage out and home, separating the portions of the route between Southampton and Alexandria from that between Suez and Melbourne; also, a list of Penalties incurred by reason of non-arrival according to Contract, and the amount (if any) already levied or deducted from the Contractors' remuneration."

"Of the Names, Tonnage, and Horse-power of all Vessels employed by virtue of said Contract in the Australian Postal Service."

"And, Copies of all Communications between the Treasury, the Directors of the European and Australian Royal Mail Company, and of the Royal Mail Steam Packet Company, with the view of amalgamating said Companies, to enable them to continue the Mail Service to Australia and the West Indies as one Company, and the terms proposed by the Government or the said united Company for performance of the Postal Services now performed by those Companies separately."

House adjourned at half after
Ten o'clock.

HOUSE OF LORDS,

Friday, August 21, 1857.

Minutes.] Public Bills.—2ª Mersey Conservancy and Docks (No. 2).

3ª Mersey Conservancy and Docks (No. 2); Consolidated Fund (Appropriation); Dunbar Harbour Loan; Metropolitan Police Stations, &c.; Militia Pay; Revising Barristers (Dublin); Probates and Letters of Administration (Ireland); Mutiny (East India); Joint-Stock Companies Act (1856) Amendment; Parochial Schoolmasters (Scotland) (No. 2); Customs and Excise; Customs; Pimlico Improvements.

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.—OBSERVATIONS.

Lord CAMPBELL said, he was happy to find that their Lordships had just received an intimation that the House of Commons had agreed to the Bill for more effectually preventing the sale of obscene books and prints, with certain Amendments; and he should move on Monday that their Lordships do agree to those Amendments. He thought the tendency of those Amendments was to guard against any abuse that might arise from the power which this Bill conferred. It was required, for instance, that there should be evidence given of some sale or exhibition for sale of such obscene books or prints before the warrant was granted, and there was an appeal given to the Quarter Sessions against the decision of the magistrates, with the view of ascertaining whether the books or articles were of the description stated in the warrant. He did not believe those Amendments were necessary, but as they were in entire conformity with the spirit of the Bill he should advise their Lordships to agree to them. There was another Amendment—namely, that this Bill should not extend to Scotland. With respect to that Amendment, the Lord Advocate had informed him that the Bill was wholly unnecessary in that part of the kingdom, for by the common law of Scotland they had powers more stringent for putting down nuisances of the kind in question than it was proposed to confer by this Bill, and those powers, he was informed, were exercised. He might be permitted to say that, perhaps the existence of those powers had contributed to the greater morality which was allowed to exist in the northern part of the kingdom.

THE INDIAN ARMY.—ENLISTMENT.

PAPER MOVED FOR.

The Earl of SHAFTESBURY: I beg, my Lords, to move for the production of a paper of very great importance at the present moment. I allude to a document which has appeared in one of the evening papers, containing a circular Order of Sir Henry Somerset, the General Commander in Chief at Bombay, in which he prescribes certain rules for enlistment, and says,—

> "That he does not wish to touch particularly on the Subject of 'Caste;'—muscular, well-built young Men are what are required in the Native Army, and these must be obtained apart from such Considerations; yet it seems unadvisable, where others can be obtained, to replenish our ranks with low caste Men, who are from ill Feeding, rarely equal in Stamina to their better-caste Neighbours, and who are generally deficient in that Pride and soldier-like Feeling which it is our Duty to inculcate as essential to the well-being of the Native Army."

I should say that this order was issued some days before the general outbreak, and that as soon as it was issued it was cancelled by the local Government. I think it very desirable that a copy of that document should be laid on the table of this House, in order that we may see what has been the course of conduct of the regimental officers and the commanding officers with reference to that which lies at the root of the mutiny in the Bengal army. I believe that all persons acquainted with India would admit that nothing has tended more to laxity of conduct and discipline, to foster a spirit of mutiny in the Bengal army, and to make the troops proud, conceited, arrogant, and resistant to the proper labour and duty imposed on all other soldiers, than this homage that has been paid to Brahminical caste. I must say the disclosures made in the papers lately laid before this House are sufficient to warn us of the evils of pandering to the vanities and bigotry and religious prejudices of the Hindoos. I may state to your Lordships that when General Hearsey disbanded the 19th Regiment, he found 419 high caste men in that regiment alone. I believe that nothing has tended more to foster the prejudices of the Natives and to encourage among them self-conceit, and the idea of possessing exclusive rights and privileges, than the apparent homage paid to caste by the officers and the European authorities. I must say this is a principle wholly inconsistent with the position which we occupy in India. It is certainly inconsistent with our political position and with our position as a Christian country. I for one would desire to see Christianity disseminated in India; but in order to aid that object, I would not enter into any Quixotic crusade against the habits and feelings of the people. I would leave all that to the silent operation of the Christian missionaries. But if we, as a Government, ought to abstain from forcing Christianity on the Natives of India, we as a Government ought equally to abstain from fostering religious bigotry and Pagan idolatry. I do not know that any one single thing has done more mischief throughout India than the homage that has been paid to the system of idolatry, by declaring that the Brahmins were to be selected and preferred above all others for service in the Native army. I want, therefore, to know from some member of Her Majesty's Government whether the principle of selection to which I have alluded is to be recognized in future. For myself, I believe, if the principle were laid down that our soldiers should be indiscriminately chosen, and that men of the lowest caste, such as Pariahs, Sudras, and Chandals, should be permitted to stand in the same rank as men of the highest caste without anything in the nature of exclusion, you would go further to put down Brahminism than by any other mode of action to which you could possibly have recourse. I must say I think the principle laid down by General Jacob in a phamplet he has recently published is the correct one — that in making levies the consideration should be, not who are the best Hindoos, but who would make the most true, obedient, and loyal soldiers. I hope my noble Friend (Earl Granville) will relieve the public mind by giving an assurance that in future the levies of the Bengal army will be raised on the principle adopted in Madras and Bombay, and that no preference whatever will be given to the Brahmins on account of their caste. The noble Earl then moved for copy of circular letter, of the 14th of January, 1857, on the subject of enlistment in the Native Indian army, signed by Major Glasse, Acting Deputy Assistant General.

Earl GRANVILLE: I shall not object to the production of the General Order to which the noble Earl refers, and any other papers which may be necessary for its explanation shall also be laid on the table at the same time. There is a very natural disposition on the part of the military authorities in India to enlist men of the higher castes, on account of their supposed nobler qualities and greater courage. The noble Earl has expresed his belief that a great deal of the mischief which has arisen is attributable to the pampering and respect paid to the religious prejudices of the Hindoos. I have no doubt, that in some instances, mistakes of this kind may have been made, but it is quite clear that mistakes have also been made in the opposite direction; and I think, both for the maintenance of our power in India, and for the interest of the Christian religion, it is the duty of the Government to remain as neutral as possible with regard to religious questions. The noble Earl has asked me to give an assurance as to the mode in which the Bengal army shall in future be levied; but, whatever may be my opinions on the subject, I think it would be presumptuous on my part, after the direful experience we have had of the necessity of looking at the question in every light, to give any distinct pledge as to the manner in which the Indian armies shall in future be organized.

Ordered to be laid before the House.

CONSOLIDATED FUND (APPROPRIATION) BILL.

THIRD READING. SAVINGS BANKS. THE NATIONAL DEBT.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª.

Lord MONTEAGLE said, he wished to take this opportunity of calling their Lordships' attention to two or three points of some importance. He was sure their Lordships would be entirely agreed that, considering the troubles which unfortunately prevailed in different parts of the East, every possible effort ought to be made to support the authority of Great Britain, and that with such an object in view no niggardly feeling with regard to expenditure ought to be entertained. Although he hoped that a satisfactory and permanent European peace had been concluded, it was clearly impossible for this country to cease all expenditure for warlike purposes at the first close of the war. This country had made prodigious efforts during the war, and considering the results, we might look back to those efforts, even in a financial point of view, with great satisfaction. The people had borne, with a generous confidence unexampled in history, the heavy amount of taxation which it had been necessary to impose. So far were the commercial and manufacturing interests of the country from having suffered, they had proved, so far as the taxation was concerned, that they were never in a more satisfactory condition. He trusted, however, that the admiration they must all feel at the manner in which the people had borne their burdens would not be limited to vague expressions of grateful confidence only, but that Government would at all times strive to give practical effect to whatever measures might be conducive to the well-being of the people. He was led to make these observations by a consideration of the steps which were required to be taken for the reform of our Savings Banks. In the absence of any one more competent for the task, he had proposed to have himself called their Lordships' attention during the present Session to the subject. At an early period of the Session a Bill had been introduced to amend the law respecting Savings Banks, which was considered likely to come before their Lordships' House, long before the present time. He did not think it would have been respectful to trouble their Lordships with any observations relating to the matter, when probably by that Bill many of the objections he entertained to the present system might have been removed, or if not removed, when in the progress of the Bill he might have had an opportunity of introducing his Amendments. That Bill had, however, been withdrawn, and he now felt it his duty to call their Lordships' attention to the question—not as our Savings Banks were accustomed to be viewed, merely as charitable institutions, intended to improve the condition of the working classes and to give them new motives for industry and content, and with those new motives to establish a most important and useful link between the middle classes and the public credit of the country, teaching the former practically the great lesson that with respect to the prosperity of all classes there was no distinction between the high and the low, the rich and the poor, but that the public credit of England was an essential element in the prosperity of all its inhabitants, and that there was no one in the moneyed world, whether bearing the name of a Rothschild or a Baring, more deeply interested in the maintenance of credit, than the humblest classes—but as our system of Savings Banks was now unfortunately applied as the means of carrying out objects which were not originally connected with the institution of Savings Banks. Our Savings Banks were intended for the relief of the humble and industrious; they are now used in aid of the Exchequer. The institution of Savings Banks originated in this country, and had since been adopted by almost every nation of the civilized world. But at the time when the Savings Banks were originally founded by benevolent individuals the last thing that could then have been contemplated or desired, but which their Lordships were now compelled to contemplate, and as he thought were bound to condemn and to regret, was that the Savings Banks, institutions of charity and benevolence, had unfortunately been connected but too closely with the speculative financial interests of the State. If it had been suggested at the time of their foundation that the Savings Banks were ever likely to be converted into institutions to support public credit, to assist the Chancellor of the Exchequer in measures of finance, and give support to speculation on the Stock Exchange, the originators of the Savings Banks would have shuddered at such an idea. Indeed, it would not have been thought possible, for it could not have been anticipated that the accumulations invested in these institutions by the industrious classes would have reached so enormous a sum as £35,000,000. The Government were compelled reluctantly to become connected with the Savings Banks on their first establishment; but the interposition of the Government in their management was intended but for one purpose—namely, to give the depositors confidence in the safety of the investment, and to give to the institutions the advantage of Government countenance. The Savings Banks' securities of this country were nominally placed in the hands of a body of trustees composed of persons filling high official positions, and had thereby been made *ex officio* trustees; in reality the control of that vast sum was placed in the hands of the Chancellor of the Exchequer. Now, in this, as in other cases, Parliament had greatly erred in casting a great weight upon official persons, who had important direct duties of their own to discharge, in making them most unwisely *ex officio* members of an unreasonable number of boards, the active duties of which their own primary duties render them unable to discharge. Of this the *ex officio* members of the Board of Control, the India Board, and the Council of Education, were sufficient examples. But independently of this objection the Savings Banks of this country had outgrown their original establishment, and their control ought to be placed in hands more directly before the world made responsible for the management. It was all in vain to think of sending round London to find a Secretary of State, a Governor of the Bank, or a Master of the Rolls, in order to make up a *quorum* of the Trustees of Savings Banks, who, when assembled, were perfectly useless for the purposes of deliberation or of action, the effective control being in the hands of the Finance Minister. But this was a small part of the matter, for he was about to show that the present system, though it might be administered with invariable purity, contained within itself a great liability to jobbing of the most dangerous character. It gave to the Government of the day, as represented by the Finance Minister, a power over public credit and the price of the public securities which it was improper to place in the hands of any one single person, however beyond reproach or suspicion. He rejoiced that whilst making these observations, a right hon. Friend of his own filled the office of Chancellor of the Exchequer, whose character and integrity rendered it utterly impossible for any one to suppose that his remarks, affecting an abstract question, could in the slightest degree apply to that able and eminent individual; but he availed himself of this advantage by discussing the question all the more freely, and endeavouring to show that the system which now existed by law was a system impossible to be defended, even when placed under the most unsuspected control. The whole amount of those £35,000,000 which he had described as the enormous capital of the Savings Banks might be sold, bought, exchanged, or invested in Exchequer bills, or in stock, at the will or pleasure of the Finance Minister; and consequently the Chancellor of the Exchequer was enabled, if he thought fit, to influence the money-market to an extent which no individual or combination of capitalists could possibly either equal or counteract. As far as this arose out of the necessary effect of buying and selling securities required for the purpose of the Savings Banks, he had no objections to make, but the Savings Bank securities were now employed for purposes going very far beyond the necessities of the Savings Banks. They were employed for purposes which directly affected the value of the public securities and were intended to influence the Stock Market. Suppose a Chancellor of the Exchequer knew that at a particular time he was about to alter the interest of Exchequer bills, or that he was about to fund, or to make a loan, if he went into the market to deal in such securities with a knowledge of such intention, of course he dealt in that market at an enormous advantage as compared with all other persons. It had been said, much to his surprise, that because Government lost by the Savings Banks paying in interest to the depositors a larger sum than the sum deposited actually earned, the Chancellor of the Exchequer was at liberty to recoup the sum so overpaid by making profits in speculating upon the purchase and sale of the public securities in the way to which he had objected. That was altogether a new and formidable doctrine, and to illustrate its mischievous tendencies he would mention a circumstance which took place during the past year. At a particular time there occurred a considerable depression in the unfunded debt, and £2,000,000 was laid out in Exchequer bills, not by the investment of sums invested by depositors, but by the arbitrary sale of one description of security in order to apply the price received for the purpose of raising the credit of another. This case may be stated more clearly still. In June or July the time approached, when according to usage Exchequer bills would be exchangeable. It happened that at that time they were at a discount, and purchases were made by the Commissioners for the national debt, in order to raise that discount to a premium. Those operations were carried on until the time for exchanging came, and in the meantime parties finding a premium upon the bills created by the artificial means just described, which was sufficient to encourage them to hold, retained them until the time of the exchange was passed. Immediately after the exchange, however, the purchases of the Government ceased, the premium was necessarily converted into a discount, and those who had been induced to hold by the act of the Government became the sufferers. That ought not to be. There ought to be no such thing permitted as this buying and selling the public securities by the Queen's Minister, for the purpose of gaining on the speculation. It was no justification to say that the profit went to the public credit. The Chancellor of the Exchequer and the other trustees were trustees for the benefit of the Savings Banks only, and there could be no justification for such a proceeding though intended to make a profit for the Treasury. He did not say that this was contrary to any law, however contrary to principle. His objection was to the law itself, and he repeated that no such facilities ought to be given. The events of late years fully justified the anticipations which he had ventured to make on this subject some time since. He protested altogether against the new doctrine that it was justifiable to buy and sell in order to make a profit on the Stock Exchange for losses sustained in Downing Street, and thus to indemnify the country against losses which the trustees sustained in the rate of interest paid. The consequence of these proceedings was, that no faith could be placed in the price of these public securities while the unfunded debt was dealt with in a manner so indefensible. A great State should jealously preserve its public credit; if that were diminished or lost the consequence would be the sacrifice of those resources in which such State had the greatest advantages over all other Powers; In order to preserve that public credit, it must never be tampered with or employed unjustly. What had been the result of the course he complained of? For two or three years, unexampled in the history of this country, the whole of the unfunded debt had been so frequently at a discount, and thereby so discredited in the market that if similar circumstances could have happened to any one merchant in London he must have been in the *Gazette* twenty times over. Many of these things, which he regarded as objectionable, might be justified by the acts of some of the predecessors of his right hon. Friend who now filled the office of Chancellor of the Exchequer. Some, though not involving the same principle, had even been done by himself. He wholly condemned the practice when carried to the extent of selling, and therefore lowering one public security with the view of buying and then raising the value of another. There was another point to which he wished to direct their Lordships' attention. Although the law did not forbid it in terms, Parliamentary usage, and the privileges claimed by the House of Commons did not allow their Lordships to deal unreservedly with the taxation of the country—that was to say, they could not impose a tax—and, perhaps, that was the last privilege which ought to be entrusted to them, or their Lordships would wish to possess. But as Legislators they were continually brought into contact with the finances of the country; indeed, the statute law required the annual financial accounts to be brought under their consideration. Those accounts were annually presented and their Lordships were bound to exercise their judgment upon every Bill, of whatever nature, that came before them. In connection with this subject he wished to call attention to an alteration in the form of that important quarterly account, known as the Public Income and Expenditure Balance sheet—an alteration which, in his opinion, ought never to have been made, and certainly not made without notice and Parliamentary authority. One of the duties of Parliament was to apply any surplus of income over expenditure to pay off a portion of the debt; many expedients had been adopted for this end at different times, but they had all proved fallacious, till the enactment of the present law by which a *bona-fide* Sinking Fund was established, and the Government were compelled by Act of Parliament to apply the redemption of debt quarterly to one-fourth of the surplus of income received in the year preceding. He held in his hand the last of three quarterly accounts, of which he thought the public and Parliament were entitled to complain as fallacious if not deceptive. This account consisted of two parts, one showing the Income and Expenditure, and the other showing the amount of Balances and of the Public debt. Now in the former of these accounts, under the head of Expenditure, there appeared for the first time an item of no less than £2,000,000 of the public money which had been applied to pay off Exchequer bonds. Payments of this description had hitherto uniformly been included in the second of these accounts, which showed the progress or diminution of the public debt. The result of the alteration, however, was to increase the Expenditure by £2,000,000, and thus to diminish in a proportionate degree the surplus applicable by law to the payment of the national debt. There was another point, and one of a very material character, to which he also desired permission to call attention. In the course of the last year there had been not only two Sessions, but two Parliaments, and consequently there had been two Appropriation Bills. Now, in the Act before their Lordships, of which the third reading was now proposed, a constitutional principle of the greatest possible importance had been departed from. He was willing to suppose that it had been violated through misapprehension or by mistake, but he thought the point was one which Parliament ought not wholly to pass over. The vital principle of this Bill had always been comprised in a clause of appropriation, limiting the public expenditure to the extent and distribution of the Votes of Parliament. From the time of William III. up to the present day there had been inserted in the Appropriation Bill a clause which was drawn up by no less an authority than Lord Somers, and which was to this effect:—

> "The said aids and supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever other than the uses, intents, and purposes before mentioned, or for the other payments, appropriation, or application directed to be made or satisfied thereout."

In the Bill now on their Lordships' table, however, this clause was omitted, and something totally different was enacted. By Clause 27 it was provided:—

> "So much of the 20th of *Vict.* c. 20, as limits or restricts the issue or application of the several sums granted to Her Majesty to the services voted in that Session of Parliament, shall be, and the same is, hereby repealed; and the sums granted by the said Act and those granted by this Act shall and may be issued and applied generally to any use, intent, or purpose mentioned in or to defray any payment directed to be satisfied by this Act."

The difficulty intended to be remedied had arisen no doubt from the necessity of passing two Appropriation Bills in the one year and the object was to apply indiscriminately each distinct Vote of the one Session to the similar and corresponding Vote in the other—to make the Army Votes taken on the two occasions applicable to the Army generally throughout the year; and so with the Navy, Ordnance, and all other Votes. But the Bill was framed as if it was meant to allow the whole of the money issued to be applied generally to any use whatever contained in either of these Acts, thereby not limiting the amount expended to the amount of each separate Vote, as the ordinary Appropriation Bill would have done. The words were such as might be construed so as to apply generally instead of uniting the two Votes of the same character. He was perfectly satisfied that it could never have been the intention of the Government to have made such a change. He believed the course taken to have been the result of an inadvertency, but he thought it most unfortunate that the Bill should have passed the other House in a way which their Lordships could not rectify. In the observations which he had made he hoped it would not be supposed that he was casting any reflection upon his right hon. Friend who held the office of Chancellor of the Exchequer; but the points he had raised were, he believed, of importance in a constitutional view, and deserved the careful consideration both of the Government and the House. It was with this view that he had brought them under the special notice of the House.

Earl GRANVILLE thanked his noble Friend for the eloquent manner in which he had impressed upon the House and the country the necessity, at all times of national difficulty, that the national resources should be made applicable for the solution of those difficulties. He agreed with his noble Friend that the energy which the country had displayed during the last war, and the state of the country after the heavy expenses it had borne, were subjects of much congratulation; and this afforded him some consolation after the remark of his noble Friend, that some of our financial operations were such as would bring many merchants into the *Gazette*. He accepted the noble Lord's assurance that, in his remarks respecting Savings Banks, he had not been making a personal attack upon the Chancellor of the Exchequer; at the same time, he had passed some criticism upon the acts of his right hon. Friend, and he (Earl Granville) would, therefore, go over two or three of the points which had been alluded to. In the first place, his noble Friend had spoken at some length on the subject of the Savings Banks. Every one must admit the immense importance of these institutions, and the expediency that the depositors should feel convinced of their solvency. The only objection to this part of his noble Friend's speech was, that the manner in which he had handled the subject might, possibly, excite unnecessary alarm on the part of some of the depositors. The noble Lord did not approve of the power of dealing with these funds possessed by the Government, but he left entirely unnoticed the question of legality. Now, he (Earl Granville) might state, on behalf of the present Chancellor of the Exchequer, that his right hon. Friend was one of the first to refrain from following the example set by some of his predecessors in office (including, he believed, the noble Lord himself) as to one mode of dealing with savings-bank funds—namely, in exercising the power of funding Exchequer Bills. But his noble Friend objected to the mode in which something like £2,000,000 of money, belonging to the Commissioners of Savings Banks were applied for the benefit of the State, in the course of the last year. If, however, the course adopted was strictly legal, and, at the same time, possessed the collateral advantages of being beneficial to the funds of the Savings Banks, and of relieving the public from paying a high rate for the money they borrowed, he thought it was the absolute duty of the Chancellor of the Exchequer to operate in that manner. This was so in the present case, and he could only repeat that, so long as the existing law continued, it being both legal and nationally advantageous to employ these funds in a certain way, the Chancellor of the Exchequer was bound so to act. His noble Friend had quoted the opinion of some eminent city authority as to the effect of some of these operations. In reply, he (Earl Granville) would refer (though it was, perhaps, a little irregular to do so) to a report which he remembered seeing of something which occurred in another place, when two of the highest authorities on monetary matters—one being a late Governor of the Bank of England, and the other connected with an eminent firm of private bankers in the metropolis—both agreed that the course taken was most advantageous to the public, though one objected to and the other approved of the system. As to the law on the subject, this did not depend upon any recent legislative enactment; and he could not help thinking that if his noble Friend so strongly disapproved of the present system, he ought, when in office himself, to have taken some steps to alter the law. Be this as it might, however, he believed it was the intention of the Government to appoint a Committee upon Savings Banks next year, and it was, therefore, of no great practical advantage for him now to argue whether it was desirable that the existing system should or should not continue. The power was, certainly, a great one to intrust to a public officer; but, probably, it would be found productive of some disadvantage to the public if that power were taken away. With regard to the next point—namely, the balances—his noble Friend, so far as he was acquainted with the matter, had stated the facts accurately. His noble Friend was technically right in what he had said as to the manner in which the surplus of £2,000,000 ought to have been dealt with; nevertheless, his right hon. Friend the Chancellor of the Exchequer was also right, substantially. Had not the sum been charged, as it was, under the head of expenditure, there would have been a discrepancy between the receipts and the expenditure, which would have made it appear as though there had been an actual surplus to that amount; and the consequence would have been that according to the Act referred to by his noble Friend, they would have had to carry one fourth of the amount to the Commissioners for the Reduction of the National Debt; and so, having paid off £2,000,000 of debt, they would have had to pay off £500,000 more from the same fund. With regard to the clause of the Appropriation Bill, objected to by his noble Friend, he believed the same question arose, formerly, under Sir Robert Peel's Government, in 1841. When Sir Robert Peel was in office, there were two Parliaments, and two Appropriation Bills. The first Appropriation Bill was passed at the close of the first Session; and at the close of the year a second Bill was passed. In the titles of those Acts, the sums were stated to be voted for the service of the year 1841, but, in the bodies of the Acts, the Ways and Means were applied to the public service during the particular Session in which each Bill was passed. But the inconvenience of having two distinct sets of Ways and Means and two Appropriation Bills being felt, at the commencement of the following Session a Bill was drawn up and passed, after some discussion, which remedied the evil, and this clause had been adopted on the present occasion.

Motion *agreed to;* Bill read 3° accordingly.

Earl GRANVILLE moved that the House do now adjourn.

THE DIVORCE AND MATRIMONIAL CAUSES BILL.

LORD REDESDALE'S NOTICE.

Lord REDESDALE said, a Bill with Amendments of very great importance had that day been returned from the other House of Parliament, and the noble Earl had moved the adjournment of the House without proposing any day for their consideration. He begged to remind their Lordships that he gave notice last evening that when that Bill came back to their Lordships' House, he should move that the Amendments made therein by the other House of Parliament be taken into consideration that day six months. He (Lord Redesdale) thought that the question as to the consideration of the Commons' Amendments in the Bill should now be determined by their Lordships.

THE LORD CHANCELLOR: My Lords, this Bill has come up from the other House of Parliament with a great quantity of very important Amendments, which your Lordships have not had an opportunity of reading or seeing. It has been reported that the noble Lord, availing himself of the position in which he has placed himself, is now about to move that these Amendments be taken into consideration this day six months. My Lords, in what position would that put your Lordships' House with the country? Here is a Bill involving a most important question, debated and deliberated upon for a month in your Lordships' House, and for six weeks in the other House of Parliament, and is an attempt now to be made to get rid of it by—[the rest of the sentence was interrupted by cheers]. Every one in the House knows that there is a misunderstanding of the notice given. I trust that the noble Lord the Chairman of your Lordships' Committees will not put your Lordships in such an invidious and discreditable position in the eyes of the public as his Motion would place your Lordships.

LORD REDESDALE: The noble and learned Lord is extremely irate and indignant at what he conceives to be my conduct in this matter. I rose when the adjournment of the House was moved to speak upon the Bill in question, because no Motion had been made that the Bill should be taken into consideration on any particular day, and I thought it was not right that we should leave the House without anything having been said as to the course which the Government intended to pursue with regard to the Bill. Being a Government measure, I could not, of course, venture to move that it be considered on any particular day—it must be left to the Government to fix that; but when any noble Lord moves that a Bill be taken into consideration on a particular day, it is open to any other noble Lord to move that it be taken into consideration on any other day, and I did most distinctly give notice to the noble Earl (Earl Granville) that when the Bill in question did come up I should move that the Commons' Amendments on it should be taken into consideration that day six months. I thought it was improper that your Lordships should be asked to consider the important Amendments made in that Bill on the day before the prorogation of Parliament, and it was on that ground that I gave notice of my Amendment, in order that all parties might know that it was my intention to move that the Commons' Amendments be taken into consideration this day six months.

LORD CAMPBELL: When was your Amendment to be moved?

LORD REDESDALE: The words that I used last night when giving notice of it were these:—

> "I expect that the Divorce Bill will be brought up from the other House to-morrow, and I give notice that when that Bill comes up to this House I shall move that the Commons' Amendments be taken into consideration this day six months."

THE MARQUESS OF LANSDOWNE: Is your notice inserted in the notice-book?

LORD REDESDALE: It could not be entered on the notice-book, because the Bill was not then before the House. ["Oh, oh!"] He asserted that the course which he had adopted was perfectly regular. It was open to any noble Lord on a Motion that a Bill be taken into consideration on a particular day to move that it be considered on some other day, and when he gave notice that he should take the latter course with regard to the Divorce Bill, he acted quite fairly and courteously towards the House. It was no ground for raising an objection to his proceeding that it was inconvenient to the Government, for every one knew that if things were to be done precisely as suited the Government and they were allowed, without being subject to the control of the House, to fix important questions for the end of the Session, when there was no time for consideration, and for days only on which their adherents were specially summoned, their Lordships might just as well give up all opposition and all attempts to improve a measure. Such a proceeding was contrary to, and would amount to an absolute restriction on the freedom of their Lordships' deliberations. He maintained that he had given full notice of the course he intended to take, and that he was strictly in order.

EARL GRANVILLE: I think this is a matter in which the character of the House is at stake, and it is therefore to be hoped that your Lordships will calmly consider your decision. In this assembly we are, perhaps, not always so strictly regular in our conduct of business as the other House; but what I have remarked in this House during the short time I have had a seat in it—and I appeal to the noble Marquess (the Marquess of Lansdowne), the highest authority among us, to confirm what I am stating—is that your Lordships have invariably observed it almost as a religious principle not to take petty advantages that might be gained by a surprise, but to take the most fair and straightforward steps to bring any matter before the House. The noble Lord says, he gave notice yesterday of the course he intended to take, and I do not doubt that the words as quoted by the noble Lord were the words he used. But I venture to ask every Peer who was present at the time it was given, whether the noble Lord's notice, applying as it did to a contingency, would admit of his proceeding regularly with his Amendment tonight? I feel quite confident, that if the noble Lord himself only reflects for a moment, and puts aside the strong feeling he entertains in regard to this Bill, he will see that the course he has himself proposed is not one that he would have approved on the part of another Peer. It is perfectly monstrous that we should be asked to reject the Commons' Amendments before they have been printed and submitted to our examination; and I cannot think that my noble Friend, to whom, from his official position, we usually look up for guidance on questions affecting the regularity of our proceedings, will persist in the intention he has indicated. At all events, I hope that this House will not subject itself in the eyes of the country to the imputation of seeking by a mere trick to get rid of an important measure.

LORD ST. LEONARDS said, he certainly did not understand that the Amendments were to be considered that evening. He regretted the heat that had been shown, and the use of expressions that were seldom introduced into their Lordships' debates. Noble Lords opposite had also cheered with unusual vehemence some expressions of the noble and learned Lord on the woolsack—a circumstance calculated to excite a corresponding warmth of feeling on that side of the House. His noble Friend (Lord Redesdale) had given notice that when the Divorce Bill came up from the other House he would move that the Commons' Amendments be considered that day six months; but nothing, he was persuaded, could have been further from his intention than to take their Lordships by surprise. Indeed, he was sure that his noble Friend was incapable of anything of that kind. Let the House calmly and deliberately consider this question, and let the Government distinctly state whether they meant to afford full time for the consideration of the numerous and important Amendments which had been made by the Commons. But if it was true that Parliament was to be prorogued on Tuesday, and they were to have no other opportunity than Monday, to discuss and decide upon the many important Amendments which had been introduced into the measure elsewhere, he should be compelled, however unwillingly, to vote with his noble Friend against such a proceeding. He hoped, therefore, that the Government would fairly inform their Lordships when this subject would be brought forward, and would also give an assurance that there would be no attempt to prevent a full and free discussion.

THE MARQUESS OF WESTMEATH confessed that he had not the slightest notion that anything of the kind was coming on to-day, and, indeed, until he came down to the House, he was in total ignorance of the fact that the Bill had been brought up. He hoped that his noble Friend would not persevere in the Amendment of which he had given notice, even though it might be strictly in accordance with the rules of the House, for he thought it would have a very mischievous effect.

THE EARL OF WINCHILSEA said, he thought the consideration of the Bill should be postponed till next Session. It was of so important a character that they were bound to demand the most satisfactory explanations upon every point that was required, and he was sure they had not time to discuss it with the Session just upon the point of closing.

LORD CAMPBELL said, he should support the Motion for the adjournment of the House. Upon his solemn word and honour his opinion was, that the proposal of the noble Lord (Lord Redesdale) was irregular, and contrary to the practice of the House. He understood, and he believed their Lordships all likewise understood, the noble Lord to have stated that he should bring forward his Motion when the discussion upon the Commons' Amendments came on. That would be a perfectly legitimate course, and the understanding on both sides of the House, with the exception of a few who were in the secret was, that the discussion would be taken on Monday, and not sooner. He could not believe his ears when he understood the noble Lord to say that he meant to take the discussion when the Bill came up to the House, and not when the time came for their consideration of the Amendments. He thought it must be a hoax, for he could not imagine the noble Lord would do anything inconsistent with his station and reputation.

VISCOUNT DUNGANNON protested against the Government giving only a single day for a discussion upon a Bill so important, to which the country was adverse, and which would, in his opinion, be fraught with mischief. Material Amendments had been made in the Bill, and it was impossible to consider the measure adequately on Monday, when so few Peers were in town, and when the right rev. Prelates were detained in the country upon the business of their dioceses. Their Lordships would stand in a false and invidious light before the country if a measure of this kind were smuggled through the House without due deliberation. His noble Friend (Lord Redesdale) had given regular notice that on the Bill being brought up from the other House, he would move that the Amendments be considered on that day six months.

LORD WYNFORD said, he fully expected that the Government would have brought on the discussion on the Amendments that night on the bringing up of the Bill,—he certainly understood his noble Friend's (Lord Redesdale) Amendment to refer to the bringing up of the Bill, and he had therefore acted in a perfectly fair and legitimate manner. He thought it would have been upon the Minutes, and was certainly surprised that the noble Earl would not fix a day for its discussion. He regretted extremely that these Amendments would have to be considered next week, when the Bishops would be absent on their pastoral duties. The Bill was on their Lordships' table—why not proceed with it now?

THE MARQUESS OF BATH also expressed his conviction that the notice was, that when the Bill came up to their Lordships' House the noble Lord would move that the consideration of the Amendments be deferred for six months. Some observations had been made about unfairness, and taking Her Majesty's Government by surprise—he should like to know whether Her Majesty's Government were not taking those noble Lords by surprise, who, on the faith of the clause giving to the wife the power to sue for a divorce on the ground of adultery on the part of the husband being omitted from the Bill, had given it their support? That clause, however, had been reinserted in the Commons, and therefore the pretence that the Bill was not an alteration of the law, but only the constitution of a new court, was no longer of avail, and if the Bill passed, as amended, the votes of those noble Lords now in the country, who had given their support on that ground, would have been improperly obtained. It was scarcely fair, he contended, upon the part of the Government, at a moment when they had entire command over the House, to endeavour to force a clause, which had been introduced into the Bill in the House of Commons, upon their Lordships, particularly when it was taken into consideration that the absence of that clause the success of the Bill in their Lordships' House was to a great extent to be attributed.

THE MARQUESS OF LANSDOWNE was understood to say,—My Lords, the noble Marquess who has just sat down seems to have based his observations upon the assumption that Her Majesty's Ministers now possess entire command over this House. But what is it, let me ask, which has given to them that command? Why, my Lords, it can be nothing else than the non-attendance of noble Lords opposite, whose duty it is to be in their places as much as it is the duty of any other Peers, and to whom the same means of being present at our deliberations are open as are within the reach of Her Majesty's Ministers. To state, therefore, that the Government have the command of this House is to take a course which it is, in my opinion, almost unconstitutional in the case of a Peer of England to adopt. Her Majesty's Ministers never have had the control of this House, and I trust the noble Marquess will never see the day when such a state of things shall exist. With respect to the course proposed to be taken by the noble Baron (Lord Redesdale) I think that any proceeding which would take the conduct of this Bill out of the hands of Government would introduce a new and ingenious practice. I cannot deem it right that a Bill of great importance such as that under discussion, in which material alterations have been made in the other House of Parliament, should be pressed upon your Lordships' attention without due notice of the nature of those Amendments being afforded. If, my Lords, a contrary course were to be sanctioned, and if Her Majesty's Government—what they have an unquestionable right to do, though they do not possess that authority over this House for which the noble Marquess opposite seems to give them credit—were to resort to the practice of having measures of great moment brought up from the other House and passed without notice, I ask whether such a system would not be open to grave objection. It undoubtedly would, and yet such is the course which the noble Baron opposite asks us now to pursue. I have unfortunately had a longer experience of the proceedings of your Lordships' House than the noble Marquess who has just addressed us—an experience extending over a period of forty years—but I am not aware that in the course of the whole of that time the noble Baron would be able to show him a single instance in which, without a notice upon the book, a Bill has been taken up by a Peer who was not the author, and not the mover of the Bill, for the purpose of discussing it, without any notification being given to the mover of the Bill that such was his intention. I hold it to be the wisest course for a person intending to proceed with the discussion of a Bill to give notice of his intention by entering it in the book, for the purpose of preventing any misconception. I think that an unceasing source of misapprehension and ill-blood would arise from any omission of this well-established and salutary rule.

Lord ST. LEONARDS asked for an answer to the questions he had put.

Earl GRANVILLE said, that if his noble Friend had not taken the course he had it was his intention to have fixed the consideration of the Amendments for Monday. With respect to the other question, the Government had by no means come to the determination that the prorogation of Parliament should take place on Tuesday; and he might add further that the prorogation depended entirely upon the state of the public business.

Lord REDESDALE said, he could not have supposed that the course he had taken would have given rise to the tone which had been adopted by the noble Lords opposite. In what did his offence consist? The noble Earl opposite (Earl Granville) gave a private intimation to several Peers that he intended to proceed with the consideration of the Amendments on Monday. He (Lord Redesdale), on the contrary, had given public notice that when the Bill came up—those were his very words—he should move that the consideration of the Amendments should take place that day six months. He did not see what else he could have done in the way of notice, or that he had pursued an irregular course at all; he defied anybody to say that it was. He never attempted to take the conduct of the Bill out of the hands of the Government, and the noble Earl in moving the adjournment without having given the customary notice as to the day for the consideration of the Amendments, appeared to admit that he (Lord Redesdale) would be justified, in accordance with the notice he had given, in moving "this day six months," as an Amendment to the Motion that they should be considered on Monday. With respect to the observations which had been made about surprise and unfairness, he, for one, was not the man to take any undue advantage, and he was not going to do so now; though he was perfectly convinced that as far as order and regularity were concerned it was perfectly legitimate for him to make the Amendment of which he had given notice. That notice was that he should move a certain Resolution on a particular day—namely, the day on which the Bill came up. For that he had been assailed in the most extraordinary manner. Surprise had been expressed that he should have taken such a course, and his conduct had been stigmatised as something discreditable. He certainly did not expect such observations from the noble Lords opposite. He, however, did not blame them for being a little irritable on the subject, because they, no doubt, felt that if he were to press the Motion, of which he had given notice, to a division, they would be left in a minority. Noble Lords, however, appealed to him in a way that touched him strongly—namely, whether his proceeding would be perfectly fair to the House. He felt himself placed in a great difficulty, for if he were to forego pressing his Motion, he might allow an opportunity to pass of defeating a measure which he conscientiously believed to be fraught with the most mischievous consequences to society. After the appeal made to him by noble Lords opposite, he felt there was a difficulty in pursuing the course of which he had given notice. But, when he stated that he would not persist with that Motion he trusted that noble Lords were prepared to give more than ordinary consideration to the Amendments in question, all of which were of importance, and some of them a dangerous innovation on the law and usage of the country. In making this concession, almost against his conscience, and in allowing the Bill to go forward, he did so in the hope that the Government would not press the Amendments through the House with precipitation. He could not say that he willingly withdrew the notice which he had given, but he did not object to withdraw it on the ground stated by the noble Lord opposite, and out of deference to what appeared to be the wish of the House.

EARL GRANVILLE said, his noble Friend near him (the Marquess of Lansdowne) and himself entirely acquitted his noble Friend (Lord Redesdale) of any intention to take the House by surprise, and they were the more desirous of doing so after the handsome manner in which his noble Friend had withdrawn his Motion. It only remained for him (Earl Granville) to say he would withdraw his Motion for the adjournment, in order that his noble and learned Friend on the woolsack might give notice of his intention to move that the Commons' Amendments to the Bill be taken into consideration on Monday.

Motion, by leave of the House, *withdrawn.*

Then on the Motion of the LORD CHANCELLOR, it was ordered that the Divorce and Matrimonial Causes Bill be *printed*, with the Amendments, and said Amendments to be considered on *Monday* next.

House adjourned at a quarter past Seven o'clock, to Monday next, half-past Four o'clock.

HOUSE OF COMMONS,

Friday, August 21, 1857.

MINUTES.] PUBLIC BILLS.—3° Divorce and Matrimonial Causes; Sale of Obscene Books, &c., Prevention.

OLD STORES AND PUBLIC CONTRACTS. QUESTION.

MR. NICOLL said, he would beg to ask the Secretary to the Treasury if, with the Return ordered for detailed Accounts of the Receipt and Expenditure for Navy, for Army—including Commissariat—and for Ordnance Services for the year, up to the 31st day of March, 1856, there will be any objection to include a detailed account of the nature and value of Public Stores in hand at that date; together with a Statement of the produce of Sales of condemned and surplus Stores during that year? He also wished to know whether the evidence taken before the Public Contracts Committee will be circulated among Members during the recess?

MR. WILSON said, the Return referred to by the hon. Member for Frome had been already prepared and laid upon the Table. A statement of the produce of condemned and surplus Stores appeared under the head of "Old Stores" in every quarterly finance account. A detailed account of the nature and value of public Stores would be expensive and inconvenient, though certainly not impossible. The Report of the Public Contracts Committee, which was presented, would no doubt be printed and circulated during the recess.

CHAPLAINS FOR THE INDIAN ARMY. QUESTION.

SIR HARRY VERNEY said, he would beg to ask the Under Secretary for War what number of Chaplains have been appointed to accompany the military force now proceeding to India?

SIR JOHN RAMSDEN said, no Chaplains had been sent by the Government to accompany the forces proceeding to India, because it was never the custom to send them. The East India Company provided clergymen when the troops arrived in India; and he believed the stations in that country were amply supplied.

FRENCH REFUGEES. QUESTION.

MR. W. WILLIAMS said, he wished to ask the First Lord of the Treasury whether there is any truth in the rumour that, in compliance with an application from the Government of France, the Government of this country will expel some of the French Refugees who have sought an asylum in this country?

VISCOUNT PALMERSTON: My answer to the hon. Member is, in the first place, that no such application has been received from the Government of France; and, in the next place, something like the excuse of a village for not ringing a peal in the time of Charles II., that they had no bells to ring—that we have no power by law to grant any such application.

EX-BISHOPS' PENSIONS. QUESTION.

MR. GRIFFITH said, he had given notice of his intention to ask the First Lord of the Treasury whether Her Majesty's Government are disposed to make provision for a retiring pension for Dr. Hind, late Bishop of Norwich, now that the retiring pension granted to the late Bishop Blomfield of £6,000 per annum has fallen in. He begged leave to acknowledge the receipt of a letter from a gentleman, connected, he presumed, with the See of London, kindly setting him right as to the fact that the pension of £6,000 per annum to the late Bishop Blomfield was provided out of the revenues of the See, and reverted therefore to the See, and not to the country or the Government. This disposed of that part of his question, and he would only beg the noble Lord therefore to favour the House with the intentions of Her Majesty's Government with regard to any provision for Dr. Hind.

Viscount PALMERSTON said, the late Bishop of Norwich had resigned under circumstances peculiarly painful, but at the same time extremely honourable to himself. Finding himself, from physical infirmity, incapable of continuing adequately to discharge the duties of his sacred office, that right rev. Personage, although mentally he was fully competent, determined to resign his See. He did so, however, unconditionally, and without any stipulation for a retiring pension. It had been the intention of the Government to propose during the Session some general arrangement by which provision would be made for Bishops who, from infirmity or other causes, were incapable of continuing to discharge the duties of their office, but circumstances had prevented them from doing so. Next Session, however, he hoped to have the opportunity of introducing a measure on the subject. If Parliament should at any future time assent to any such measure it would of course take care that it should act retrospectively, and should apply to the case of the late Bishop of Norwich. At present, however, the Government had no fund from which it could make any provision for that right rev. Person.

SAVINGS-BANKS BILL.

QUESTION.

Mr. G. A. HAMILTON said, he would beg to inquire of the Chancellor of the Exchequer whether it is his intention in the next Session of Parliament to re-introduce the Savings Banks Bill which he has recently withdrawn?

The CHANCELLOR of the EXCHEQUER said, he was induced mainly to withdraw the Savings Banks Bill on the ground that he did not see sufficient time for its consideration, and the manner in which their time had been occupied towards the close of the Session fully justified that course. He was also aware that considerable misunderstanding had been produced among the local administrators of Savings Banks, by the proposal which he made, and the arrangement he proposed did not receive the approbation which he conceived its merits justified. Under these circumstances, he did not feel at present justified in entering into any pledge as to whether the Government would reintroduce a similar measure, but he would be prepared next Session, in the event of the House requiring what had been asked for this Session, to agree to the appointment of a Select Committee to inquire into the subject.

THE SLAVE TRADE IN CUBA.

QUESTION.

Sir GEORGE PECHELL said, he wished to inquire of the First Lord of the Admiralty whether any additional Vessels, including Gun-boats, have been sent to the West India Station for service upon the coast of Cuba?

Sir CHARLES WOOD was understood to say that as soon as Parliament had voted the necessary number of men he had ordered four gunboats to be got ready for service off the Coast of Cuba, and that two of those vessels would be ready for sea in a few days.

DIVORCE AND MATRIMONIAL CAUSES BILL.

THIRD READING.

Order for Third Reading read.

Mr. HENLEY said, he rose to address a few observations with respect to the Bill and the manner in which it had passed through the House, although he had no intention of opposing the third reading. It would be remembered that when the Bill first came down to that House, at the end of July, he had proposed that it should be postponed until next Session, upon the ground that there would not be sufficient time before the rising of Parliament to consider fully so important a measure. The House, however, determined otherwise, and upon the 30th and 31st of July a discussion took place upon the question of the second reading, which was carried upon the latter evening. The reasons assigned by the Government for pressing on the Bill were, that it made no change in the law, that it merely removed a great blot on our institutions by substituting one Court for the three tribunals—the Ecclesiastical Court, the Court of Common Law, and the House of Lords, to which a person seeking a divorce was obliged to have recourse; that it got rid of a great scandal on our national character in the shape of the action for criminal conversation, and that it would bring divorce, which heretofore had been a privilege within the reach of the rich man only, home to the doors of the humblest classes. They would see in the course of his observations how all these matters had been carried out. He (Mr. Henley) had urged that the Bill was brought in at a period of the Session when it was not possible for it to be fully considered, and he thought he could now show that his predictions had been verified and that the measure had not been brought in in a shape that was at all creditable. Much time had been bestowed upon the Bill. Since the second reading it had been under the consideration of the House in Committee on seven occasions, of which several were morning and evening sittings, and the result of those discussions was that there had been thirteen material changes introduced into the Bill. When they were first invited to consider this Bill they had been told by the Government that it was a perfect measure, and had undergone the fullest discussion in another place by those who were best acquainted with the subject, and that any one who read the Bill might know the intention of the Government. Of the thirteen changes that had been introduced, ten had been made without a division, and with the assent of the Government. Surely that single fact would prove how well the opponents of the Bill were justified in regarding it as an unmatured measure. Two other material changes which had been introduced after division were not proposed by hon. Members hostile to the Government, but by the Government themselves, and only one change had been introduced upon the suggestion of a hon. Member who was hostile to the measure. The country and the House were able from these facts to judge how far the measure was perfect, even in the opinion of the Government, when it was first introduced to them. During the progress of the Bill through Committee there were fifteen divisions, of which seven were upon Amendments proposed by hon. Gentlemen who voted for the second reading; five had been raised by opponents, and three by hon. Members who were not prominent on the one side or the other. Now, what were the changes in the law made by the Bill as originally introduced? A most material but most beneficial change had been made in regard to the *status* of women separated from their husbands either by judicial separation or divorce. Another material change had taken place in extending the grounds upon which dissolution of marriage could be granted, and also in the provision made for the care and custody of children. All those were most important changes in the law. Then, what were the changes that had been introduced into the Bill during the discussions in that House? The first and most material change was in the constitution of the new tribunal. A long discussion took place, and upon a division the Government carried by a small majority the proposition that the constitution of the Court as contained in the original Bill was sufficient, but afterwards, being pressed no doubt by the arguments which had been offered, they undertook to reconsider the point. It was only fair to the Government to say that they had honestly redeemed that pledge by adding to the members of the new Court the three senior Puisne Judges of the Courts of Common Law. Passing over the lesser change in the Bill, caused by imposing upon the new Court the decision of suits for nullity of marriage, the next important alteration was in reference to the local jurisdiction in matters of divorce. That was a question arising not out of the abolition of the jurisdiction of the House of Lords but of that of the Ecclesiastical Courts. Even that portion of the subject had not been definitely disposed of, for a question had been raised by an hon. Gentleman who bade fair to be a most valuable Member of that House (Mr. Lygon) whether persons residing in India would be able to avail themselves of the benefit of this measure, and that point remainded still unsettled. At the present moment it remained to be seen whether all Her Majesty's subjects who resided beyond the limits of England and Wales were to be left to have recourse to what had been stigmatized as the great blot upon our institutions, or were to be left entirely without remedy; or whether the Government intended to bring in a supplemental Bill next Session. Reverting to the subject of local jurisdiction, he would remind the House of a declaration from the noble

Lord at the head of the Government which had caused him (Mr. Henley) no little surprise, considering the noble Lord's station, experience, and ability. The noble Lord had told them that it would be as well to do without local jurisdiction, and that he thought judicial separation should not be encouraged as divorce *a vinculo* was a better thing. That was a surprising declaration coming from such a quarter, for it must be remembered that judicial separations were to be granted for other causes than adultery, such as cruelty or desertion; and there could be no reason why parties who had separated for one of those causes, but who had subsequently become reconciled, should not come together again. The Committee, however, did not agree with the Government, and upon a division determined to have local tribunals of some kind. The hon. and learned Gentleman the Attorney General, to whom the House was much indebted for the great ability he had displayed and the great pains he had taken in regard to this measure, had since brought in a provision which he conceived would meet the wishes of the House. The next important alteration referred to the advantages secured to the wife in case of separation or desertion by her husband. Then came the important question of the conditions on which dissolution of marriage was to take place. When the Bill came down from the House of Lords it contained two grounds on which the wife might obtain a divorce against the husband, additional to those which had previously been recognised, namely, cruelty and desertion. The cases in which the wife might obtain a divorce were four in all—namely, adultery on the part of the husband coupled with bigamy, adultery coupled with cruelty, adultery coupled with desertion, and adultery coupled with incest. To these this House added two others,—adultery committed within the conjugal residence, and rape. There were also added the commission of an unnatural crime and bestiality, not connected with adultery. Here were a number of changes in a Bill on which Government had told them, in the first instance, that their minds had been made up. As the Bill came from the Lords it was provided that where the husband sued for a divorce the adulterer should be made a co-respondent. The Government, without a division, consented that in the case where a wife sued for a divorce the adultress might also be a co-respondent. This again was a very important alteration in the Bill. As the Bill came from the Lords, if a person did not go into Court with clean hands it was held to be an absolute bar to divorce, and the Court were bound to dismiss the petition; but on the Motion of the hon. and learned Attorney General, and on a division, it had been decided that such was not to be an absolute bar to divorce, but that the Court was to have a discretionary power of saying whether it ought to be so or not. The discretionary power of the Court to dismiss suits had also been materially enlarged, for it had now power to dismiss a suit in the case of wilful separation, or wilful neglect or misconduct that was alleged to have conduced to the adultery. He did not say these changes were improper. His sole object in now adverting to them was to show that the greater part of them had been made with the full consent of the Government, and that therefore those who insisted on a full discussion of the measure had not done so in vain. Much might be said as to whether they had been made with due deliberation in those lengthened and exhaustive sittings; but he did not wish to raise that question but merely to record the changes. Having thus called attention to the changes that had taken place in the constitution of the tribunal and the mode of procedure, he would now point out some of the alterations that had taken place in the Bill in its subsequent stages. The first, and not the least material of these, regarded the fine to be imposed on the adulterer. As the Bill came down from the House of Lords it had this strange provision, that it empowered the Court to impose a fine, while there was nothing in it declared to be a crime or an offence. It simply declared that a fine was to be imposed; there was no limit to the amount, and no means provided of escaping from it when imposed. Seeing how objectionable this provision was, the hon. and learned Attorney General proposed an Amendment by which the fine was to be applied as compensation, thus taking it out of the category of fines and putting it in that of damages. On discussion, the whole proposition was found untenable, and by common consent the fine was struck out and the clause was left simply to apply to costs. The hon. and learned Attorney General, had, however, brought up another clause after they had gone through the Bill. One great cause given for bringing in the Bill was, that it would get rid of a public scandal; but it did no such thing, for by this clause the question was still to be tried by a jury.—(Mr.

AYRTON: The action is no longer essential to a divorce.)—The clause provided that the parties might claim damages either in cases of dissolution of marriage or of judicial separation. The case would then be sent to a jury, and would be tried by the same rules and regulations as an action for *crim. con.*, so that the public scandal which was so much complained of would remain just the same. After going, therefore, through various degrees of squeamishness the House had ended by bringing matters back again exactly to the point where it found them. The next important change was as to the appeal. As the Bill came down from the other House there was no appeal, except to the House of Lords, on points of law; but the Attorney General of his own motion at once inserted a provision in the Bill that there should be a general appeal, and so it now stood. A most important addition also had been made to the Bill, altering very materially the manner in which it would bear upon the clergy. The point was unnoticed in the House of Lords, but the concession of the Government, although not perfectly satisfactory, was a very considerable alteration. So much for the changes which had been made in the Bill, and now for the probable effect which these would have upon its working. It was impossible to say that the question of the local Courts had received sufficient consideration on account of the pressure of time, and the settlement which had been agreed on was very far from carrying out the boast made on the introduction of the Bill, that facilities for divorce would be brought home to the poor man's door. Nobody had been able to say very clearly what would be the expense of obtaining a divorce under the new system, but it was clear that it would not be very small. The Court would have to inquire into the points of collusion, connivance, and so on. All this would take up considerable time, and time in law proceedings was expense. The case would have to be tried by a jury; indeed, it was not very clear whether there would not have to be two trials—one to try the facts on which the divorce was sought, the other to assess the damages. By the skilful union of the Chancery and Common Law Procedure, in the procedure of this Court the suitors would have the advantage of the blessings or curses of both systems. The Court would act upon common law rules in all applications for new trials, bills of exception, and the like, but it would not act, like the Court of Chancery, until its conscience had been satisfied of the facts. Perhaps two of three trials before a jury would be necessary before the conscience of the Court was satisfied. This was not at all unusual in Chancery proceedings, and then the Court would give its decision. If the parties were at all of a litigious disposition there would be an appeal, and the whole matter would have to be tried over again in the House of Lords just as it was now. Where was the gain, then, after all, either as to expense or public scandal in their high-pressure legislation? The preliminary trial in the new Court would be equivalent to the present proceedings before the Ecclesiastical Court and the trial for *crim. con.*, and the appeal would answer to the present proceedings before the House of Lords, just as it was now. So much for litigated cases. Then as to the security against collusion and connivance, there was absolutely less under the present system. If the parties wanted to collude, all they had to do was not to sue for damages. Under the present system there must be three trials, first the action for *crim. con.*, then the torture of the Ecclesiastical Court, and lastly the investigation in the House of Lords, so that it was, in his opinion, quite impossible that collusion should escape detection, a result which would not be attained with equal certainty by the single Court established by this Bill. These were some of the blessings and the disadvantages which would arise from the present measure, and he thought he had shown that those who had discussed it were fully justified in adopting that course. [*Cries of* "Hear!" in which SIR GEORGE GREY took part.] It was all very well for the right hon. Gentleman now to say "Hear, hear!" but he must not forget how the noble Viscount had, more than once, turned the fire-engine of his wrath upon those who raised that discussion. Considering that the great portion of the changes which had been made had been adopted by the Government, more mercy might have been shown to those who discussed the Bill in all its provisions. He should not, however, on that account alone have thought it necessary to make these observations; he did it for the graver and more important reason that he thought that many of these changes had not been fully considered, and that if more time had been allowed a better Bill would have been produced. In addition to the defects which he had pointed out, and which he thought more mature consideration might have removed, he thought that the clergy ought to have had more time to examine the Bill, as it affected their consciences and the discharge of their duties. In his opinion, if the Session was to be prolonged, their time would have been much better occupied in making the Savings Bank Bill—a measure which would have affected thousands and hundreds of thousands of persons—a good measure, than in amending this Bill, which would apply to only an infinitesimal part of the population, and which was even now so imperfect that the changes made by it must be either accepted or rejected wholesale, and it would reflect no credit either upon the Government or the Legislature.

Sir GEORGE GREY: I should certainly wish not to depart from the tone and spirit in which the more recent discussions on this Bill have been conducted, and which has so happily contrasted with the spirit evinced in the earlier discussions in Committee, and I am bound to say that the right hon. Gentleman has uttered no word inconsistent with that spirit. I think the House is much indebted to him for the speech which he has addressed to us, because it affords the most conclusive answer to the statement made by him on the 20th of July, that there was not time to discuss the details of the measure during the present Session. On that occasion I stated that the Government were of opinion that there was still time for such discussion, and I think that the number of hours which have been devoted to the consideration of this Bill, the number of Amendments of more or less importance—certainly not all of the consequence which the right hon. Gentleman has attributed to them—which have been made in it, and the spirit in which suggestions from both sides of the House have been received by the Government, show that this Bill has been discussed in a manner which is creditable to this House, and that it has received that amount of attention which its importance deserves. The right hon. Gentleman seems to think that this Bill was presented as a perfect measure which this House must accept or reject exactly as it came from the House of Lords, and that the Government intimated that no Amendments were to be made in it. So far was that from being the case, however, that in the speech which I addressed to the House upon the second reading of the Bill, while I stated that its principle was an alteration in the tribunal by which questions of divorce were to be considered, which I thought would be of great importance. There were many details open to consideration. I said that with that and two or three other trifling exceptions this Bill proposed no alterations in the law. It is true that many alterations have been made during the progress of the Bill, and I am happy to find that most of those changes have the concurrence of the right hon. Gentleman; and that, satisfied with the discussions which have taken place, the right hon. Gentlemen opposite who offered conscientious objections to this measure are not disposed to press them further, and that this Bill is likely to be read a third time without a division. The right hon. Gentleman thinks that some advantage might have been gained by the postponement of the Bill for six months, in the prospect of Amendments being hereafter required. That must be the case with regard to all Acts dealing with large and important subjects, because such alterations are suggested by subsequent experience. It is, however, a matter of sincere satisfaction to the Government that the right hon. Gentleman, and those who act with him, are not disposed to offer any opposition to the further progress of the Bill, because we felt that we should have incurred a great responsibility if, after the attempts which had been made to pass such a measure, and after this Bill had received the careful attention of the House of Lords, we had postponed its consideration till another Session, and thereby indefinitely delayed a great improvement of the law upon a subject affecting the social and domestic happiness of many families in this country. In addition to this it is impossible for any one to have attended to the discussions upon this Bill without feeling that some of them have been of a very painful character. Had we postponed the consideration of this measure we should have occasioned a repetition of statements and observations which were unavoidable in the discussion of a Bill of this nature, but which for obvious reasons it is desirable should be dwelt upon as little as possible. The Government, therefore, thought it important that this measure should receive the consideration of this House, during the present Session of Parliament, and it has been a source of great satisfaction to us that we have received that decided support which has enabled us to bring the Bill to its present stage. I think that the right hon. Gentleman has attached an undue importance to some of the Amendments which have been made in Committee. I will not now go into those

Amendments or revive the discussion which we have had in Committee or on the Report, and I will only touch lightly upon what has been said by the right hon. Gentleman. Now, with regard to the formation of the Court, can the alteration which was made in Committee be considered an important Amendment? Why, what are the facts of the case? As the Bill came down to us from the House of Lords it provided that the new Court should consist of the Lord Chancellor, the Chief Justices of the Superior Courts at Westminster, and the Judge Ordinary. Well, it was stated in Committee that from the duties which devolved upon these learned personages it would be difficult to ensure a full court, and the Government, feeling the force of that objection, said that they would take into consideration the question of enlarging the materials for the construction of the Court; and they made a proposal, which met with the general assent of the House, that the senior Puisne Judge of each of the Courts at Westminster should be added to the Court. Now, surely that was not an important alteration. It was only a matter of detail, and we were obliged to the hon. and learned Member for Wallingford (Mr. Malins), for the suggestion. Then, again, with regard to the action for *crim. con.*, I am only repeating the opinions which have been expressed by the highest authorities upon the bench when I say that that action is a scandal and disgrace to the legal system of the country. Now, the important distinction between the law as it at present stands and as it will be if this Bill passes is this:—At present the action for *crim. con.* is absolutely necessary for procuring a divorce, because the House of Lords will not read a Bill for a divorce unless damages shall have been obtained in an action of that nature, while under this Bill it will no longer be necessary, in order to obtain a divorce, to commence and carry on such an action. Well, then, the right hon. Gentleman says that in abolishing the action for *crim. con.* we are doing away with one of the securities against collusion. Now, I cannot agree with the right hon. Gentleman. Why, there never was a worse security against collusion than the action for *crim. con.* It is notorious that in many cases the fact was not contested, and judgment was allowed to go by default, in order that damages might be assessed in the Sheriffs' Court as a necessary preliminary to proceedings in the House of Lords. It is equally notorious, or at least it has been often stated by persons eminently qualified to speak upon the subject, that those damages are often paid with one hand and received back with the other, the only object of the action being to enable a man to comply with the Standing Order of the House of Lords. The action for *crim. con.*, therefore, does not effect the object for which the regulation of the House of Lords was drawn up—namely, to prevent collusion, and I think that we must all rejoice that it will be no longer necessary in order to obtain a divorce that that action should be brought. Under the new system the whole question will be tried in one court, and we shall get rid of the repetition of those disgusting details which at present are necessary to prove the case before three tribunals. That will, I think, be of immense advantage. Well, then, the right hon. Gentleman has touched upon the question of local jurisdiction. Now, that no doubt was forced upon the Government, because we were not at the time prepared to establish a local jurisdiction for judicial separations, and we tested the sense of the Committee upon that question by a division. From that division we found that the opinion of the Committee was in favour of establishing local jurisdiction, and, in accordance with what appeared to be the wish of the Committee, my hon. and learned Friend the Attorney General placed upon the notice paper a proposal with the view of carrying out the opinion which had been expressed by the Committee. Now, the right hon. Gentleman says that that proposal was hastily considered and hastily adopted; but the fact is that the notice of that Amendment was placed upon the paper upon the 10th of August, and the Amendment was not agreed to until the 20th, so that the right hon. Gentleman or any other hon. Member of this House had ample time for offering any suggestion upon the subject. They did not do so, however, and substantially that Amendment was agreed to by the Committee as the best mode of carrying into effect the opinion which they had expressed. I do not think, therefore, that there is any reason for regretting that this Bill has not been postponed in order to give time for the consideration of the question of local jurisdiction. I do not pretend to defend this Bill as a perfect Bill. It would be presumptuous in me to do so, because the details of every important measure must to a certain extent be experimental, and experience may teach us how to improve some of the details of the present Bill; but while I make that admission I wish it to be distinctly understood that I do not imply that the Bill is an instalment of further legislation with respect to the law of divorce. I consider that substantially this Bill settles the question, but it may be necessary to come to Parliament at some future period and propose Amendments to some of its details, but that leaves us in a position very different to that which we should have occupied if we had postponed the measure with the view of beginning the whole subject *de novo.* With regard to another topic which has been referred to by the right hon. Gentleman, I can only say that I think that it will be admitted on all sides that the Government have shown every disposition, as far as they reasonably could, to consider the conscientious scruples of the clergy ; and when I am told by the right hon. Gentleman that we have not gone far enough, let me remind him of what took place upon the second reading of the Bill. Upon that occasion I said that the claims of the clergy had not been fairly stated to the House. It had been put to the House that the sole claim of the clergy was to be exempted from performing the marriage service over persons who had been divorced upon the ground of adultery, and I said that that was not the question which had been raised in another place, and that I understood the claim of the clergy to go to a far greater length. I understood it to be that, as they believed marriage to be indissoluble, they ought to be exempted from performing it in any case where a marriage had been dissolved, whether of a guilty or innocent person ; and I believe that the hon. and learned Member for the University of Cambridge (Mr. Wigram), understood the claim of the clergy in the same way. Well, Sir, on that occasion the right hon. Gentleman got up and expressed astonishment that I should have attributed any such view to the clergy, and that I was not justified in doing so. Well, Sir, I took the right hon. Gentleman to be a better exponent of the views of the clergy than myself, and the Government conceded the question to the extent which the right hon. Gentleman said was asked for, and yet he now turns upon us and says, " you have not done that which the clergy wished you to do." We have, as far as we could, assented to the claim of the clergy, and I trust that the cases will be so few in which conscientious objections may arise, that we shall never hear anything more of these claims. The course which we have adopted is, I think, a course well adapted to remove all causes of complaint, for, while we give to the layman the right of being married in his parish church, we do not compel any clergyman to perform the marriage service over persons who have been divorced upon the ground of their adultery. I will not follow the right hon. Gentleman through the other alterations in the Bill to which he has referred, but I will only say that I am glad to hear the admission, that the Bill and the suggestions which have been made with regard to it have received the careful consideration of the Government, and that we have been willing to accede to Amendments when we have been satisfied, after hearing the arguments in favour of them, that they would be likely to prove of advantage. I myself think that the Amendments which have been made have much improved the Bill ; and I trust that it will very soon become law, and remove those scandals which have hitherto shocked the feelings of the right-minded portion of society, and which have been an opprobrium to that branch of our law which relates to marriage and divorce.

SIR WILLIAM HEATHCOTE said, the right hon. Gentleman who had just spoken was not quite justified in assuming that, because hon. Members upon his (Sir W. Heathcote's) side of the House were not prepared to insist upon a division, they were perfectly satisfied with all the provisions of the Bill as it stood. The fact was that, so far as he himself was concerned—and he might make a similar statement on behalf of many of his hon. Friends near him—he was by no means disposed to regard the measure with satisfaction ; and if he refrained from calling for a division with respect to it upon that occasion it was simply because he did not wish to put the House, which was reduced to a mere skeleton, to the trouble of going through a ceremony, the result of which—owing to the fact that the greater number of hon. Members present were in some way connected with the Administration — he was well aware must be favourable to the Government. They deserved no other credit from the promoters of the Bill than that of not being anxious to give them more trouble than necessary. Having said thus much in reference to the reasons which induced him to abstain from calling for a division, he might be allowed to observe, with respect to what had fallen from his right hon. Friend the Secretary of State for the Home Department upon the subject of the action for criminal conversation, that his right hon.

Friend was not warranted in saying that the operation of the Bill, as it stood, would be to get rid of that scandal. Under the existing law there was one circumstance which protected a man against being subjected to any unkind remark because of his having brought an action of that description, and that circumstance was that the action constituted a necessary preliminary to the obtaining of a divorce. If the Bill before the House were to receive the sanction of the Legislature, however, the husband, in resorting to any proceeding against the adulterer for damages, would take that course voluntarily which now he was compelled to adopt; and how, under these circumstances, the scandal to which his right hon. Friend had alluded would be done away with he, for one, was at a loss to apprehend. In regard to another observation which had fallen from his right hon. Friend, to the effect that Members upon his (Sir W. Heathcote's) side of the House had acquiesced in the suggestion of the hon. and learned Gentleman the Attorney General in connection with the subject of local jurisdiction, he could only say that if they had not commented upon it more freely than they had done, it was because it was impossible, sitting as they had been so continuously, morning and night, to consider, as it ought to have been considered, a clause so important as that in which the suggestion of the hon. and learned Gentleman had been embodied. There was also another provision of the Bill—that which related to the clergy—to which he was anxious briefly to advert. From the operation of that provision, he, for one, did not expect those happy results which his right hon Friend seemed to anticipate. He was of opinion that the concession which had been made to the conscientious scruples of the clergy had not been conceived in a proper spirit. It had been clogged by a very objectionable condition, and, while it was not his intention at that stage of the Bill to re-enter upon the discussion of its principle, he could not refrain from observing that marriage, which was in almost all countries a civil contract, was a ceremonial which in this country received in addition, in almost every case, a religious sanction, and that while he did not dispute the right of the State to say, "those parties are to be considered as unmarried," he felt bound to protest against its stepping in and telling the members of any religious community, "You must consider that religious sanction which you deem to be necessary as destroyed by our civil proceeding, and give a religious sanction to a new union, although you do not think the old one has been severed." To adopt that course was to act in a spirit which was not, he must contend, in accordance with the principles of religious toleration. The exemption ought to have been extended to all clergymen whatever their views, and irrespective of the guilt of the parties. The question did not turn on their guilt or innocence, but on the opinion of the clergy as to a religious duty; and the Bill did not remove the difficulty. It was clear, therefore, that they had not got at the end of these discussions, and that questions would in the future be re-opened which otherwise would have slumbered. He would not hastily commit himself to what he would do in another Session of Parliament; but he thought it was probable that some hon. Member or other would apply his mind to the state of the law which would grow out of the Bill, with the view of seeing by what mode more freedom of action could be given to the Church. The expectations which the right hon. Gentleman entertained as to the contentment to be produced by this ill-advised and ill-digested measure would be grievously disappointed. It was fraught with great social evils, and would tend to increase these offences to a most frightful extent; and viewing it in every aspect he conceived it would be attended with great danger and difficulty to the country.

MR. AYRTON said, it could not be expected that this Bill would be regarded with favour by hon. Gentlemen opposite, but that it was some consolation to think that, so far as it went, it was a measure, notwithstanding the difficulty of dealing with its very complicated details, which was calculated to give considerable satisfaction to hon. Members on his side of the House and to the country. He was glad that the Government had not pertinaciously adhered to the Bill as it came down from the other House, because he felt that elsewhere the interests of the poorer classes had not received the consideration to which they were entitled, and which they would expect to receive from this branch of the Legislature. He rejoiced to find that clauses had been introduced which gave to every portion of the community legal sanction for a position hitherto the subject of imperfect private arrangements, and which protected wives in the pitiful condition in which they were placed when their husbands failed in their duty, and did not respect the responsibility which they had undertaken. He was afraid that many hon. Members had not brought their minds to the full conviction that facility to dissolve marriage was quite as advantageous for the poorer as for the higher classes. There was a passage in the blue-book which explained the reason of the Scotch being more moral than the English—that in Scotland the law of divorce was temperately administered according to the precepts of the Gospel, while in England there was no relief for the poor man, no punishment for his guilty wife, in consequence of which the husband submitted to his fate, found a new companion, and often committed bigamy. A friend of his, a large employer of labour, to whom complaint was made of a workman having been guilty of that offence, inquired more particularly into the morals of the community, and was astonished to find that, not being rich enough to go to the House of Lords, the poor took the law into their own hands, and ceased to regard bigamy as an offence even against the law of propriety. He gave a remarkable reason for the result—namely, that it was not so much for the satisfaction of the man as of the woman that bigamy was frequently committed, as she was enabled whenever there was occasion to fulfil the conditions of charitable institutions, to produce her marriage lines, and she considered that if she obtained the sanction of the Church she was duly married, and it was no affair of hers that her husband was not able to obtain a divorce from his first wife. He regretted that the provisions which had been introduced to facilitate separation between the poor were not extended so as to afford equal facilities for dissolution of marriage, and he hoped the noble Lord would use his influence to have the rules, under the powers given to the Judges, so framed as to enable suitors to avail themselves of the Act by the most cheap and simple procedure possible. He doubted whether it could be effected to the same extent as if clauses had been introduced, but he thought it important to have such a code of procedure as would enable the largest possible number of persons to avail themselves of the door now open for obtaining the dissolution of marriage. Judging by the returns of income-tax, there could not be more than 30,000 families in a position to avail themselves of the present state of the law, and when they considered the small proportion that number must bear to the whole population they would easily understand why the divorces in the House of Lords had not exceeded six a year. The criticism that the Bill did not apply to India was almost ridiculous. The title of the Bill declared that it was intended to alter the law of divorce in England and Wales, and it seemed to him naturally to follow that it was not intended to extend the Bill to Ireland or India, or any other part of Her Majesty's dominions. Though it might be said to be a great boon, this must be regarded as only the first step. [Lord J. MANNERS: Hear, hear!] They were proceeding to legislate upon this as upon many other matters; first making a law applicable to England, and then, if it worked well, it could be made applicable to Ireland and other parts of the empire. It was quite obvious that it would not have been very wise or expedient to make it applicable at once to every part of Her Majesty's dominions; nor could it be so extended whilst it only dealt with the Ecclesiastical Courts of England. When a similar Bill was brought in for Ireland, it would, no doubt, deal with the Ecclesiastical Courts of that country. The Government had very wisely adopted the same course with respect to this Bill as with respect to the Probates Bill, which was of precisely an analogous character; and considering the discussion which had arisen from hon. Gentlemen representing places in England, it would have been scarcely desirable to import the much larger amount of discussion which would have resulted from the Members for Ireland thinking it their duty to address the House. If the Bill conferred the advantages which those who strenuously supported it hoped it would, Irish Members in a future Session might be satisfied with the experience gained, rather than reproduce the speculative debates which, upon this subject, had occupied so much time. With respect to such of the Colonies as enjoyed the advantages of representative Government, the question must be left to be dealt with by their local legislatures. With regard to the action of *crim. con.*, there was no doubt that it often exercised a deterring influence, and all its objectionable features, and the scandal which arose from it were, in his opinion, removed by the substitution which had been made for it, because it was no longer an action of the husband for his own advantage, but an action against the delinquent, the penalty which he was to pay to be appropriated at the discretion of the Judge. He could not conceive how the clergy could be dissatisfied with the provision which affected them, because it respected their conscientious scruples, and they were not entitled to ask more. He did not think that the time which had been spent upon the Bill had been unprofitably employed. The result was, upon the whole satisfactory, and, although it might be necessary to alter some of the details of the Bill in another Session, especially to give further facilities to the great mass of the people to enable them to obtain the full benefit of its provisions, yet he was convinced it would in the end place the law of marriage and divorce upon a sure and proper foundation, calculated to promote the real happiness of the people.

Mr. HENLEY said, he wished to explain that when, upon the Second Reading, he referred to the wishes of the clergy, he confined his remarks to the statements contained in the printed memorial.

Mr. NEWDEGATE said, he was anxious to express his deep sense of the eminent services rendered to the House during these debates by the right hon. Gentleman the Member for Oxfordshire Mr. Henley). If it had not been for his perseverance, ability, firmness, and moderation, the Bill would not have been so well guarded as it appeared to be now. There was too much reason to fear that the advantages to be derived from the measure would be counterbalanced by its evils; the House was none the less deeply indebted to the right hon. Gentleman for the great sagacity and legal acumen which had enabled him, while leading a minority at the close of a protracted Session, by pure force of reasoning, to introduce important alterations and Amendments. The legal Members of the House were also entitled to thanks of the Community for the manner in which they had lent their valuable aid in removing some of the objectionable portions of the measure. It was to be regretted that the Government had qualified their concession to the clergy by that unhappy provision with respect to the use of the parish church—a provision which would create a great deal of discontent among the clergy, and which was directly contrary to the constitution of the Church re-established at the Reformation. According to that constitution each parish was a Church in itself, the constitution of the Church was federal. He feared that the infraction of that principle, which the Bill established, would prove deeply inimical to the freedom of the Church. The measure as at first introduced, was a most immature one, but he admitted that it had been improved by the untiring exertions of hon. Friends on his side of the House. If undue warmth had been exhibited during a portion of the discussion, allowance ought to be made for the difficulties of a minority, and on account of the character of the measure, which, as introduced to the House, was opposed to the feelings of a large section of its Members, and he believed to those of a large mass of the people out of doors.

Lord JOHN MANNERS said, he wished before the question was put to the House, to enter a last protest against the principle on which the measure was founded, many of the provisions it contained, and the manner in which it had been submitted—he could not say to the consideration, but to the acceptance of the House. He objected to the principle of the Bill, inasmuch as it imported for the first time into the statute law of England the dissolubility of marriage by human laws, gave a fresh sanction to the inequality of the sexes in the eye of the law, and not only encouraged the idea that adultery was a venial offence to be condoned by the payment of a pecuniary fine, but actually authorized the notion that it was almost a virtue to be rewarded at the expense of the settled ecclesiastical law, custom, and usage of the country. He objected to many of the provisions of the Bill, inasmuch as they failed to carry out the two leading principles for the sake of which the measure had been recommended to the favourable consideration of the House, because, as far as Ireland, India, and the Colonies were concerned, those who wished to be divorced must still have recourse to the Legislature for special Acts, and because the action of *crim. con.* had been abolished not in reality but in name merely. He objected to the Bill because it broke up the old settled ecclesiastical polity of the country, and because in the thinnest of Houses, by a bare majority of Members independent of the Goverment, a provision had been inserted giving encouragement to the idea that, in the opinion of the Legislature, adultery was so respectable an offence, if an offence at all, that the rights of conscience must be violated in order to save the delicate susceptibilities of adulterers and adultresses. He objected further to the mode and manner in which the Bill, so anomalous and inconsistent in its provisions and so objectionable in its principle, had been forced through a jaded House of Commons. The provision which violated the ecclesiastical polity of the country, and worked a complete revolution in the relations between Church and State, was carried by a majority numbering less than one-eighth of the whole assembled House, and of that one-eighth nearly a half consisted of Members of the Government. He maintained, therefore, that the manner in which the Bill had been forced through the House was in itself a source of deep regret to all who wished grave, delicate, and important questions to be fairly and deliberately discussed. He would make no reference to anything of a personal nature which might have occurred during these debates. They were all liable to err in that respect, and no one could be more conscious than himself that in these matters.

"Veniam petimusque damusque vicissim."

He could not, however, permit the present opportunity to pass without uttering his protest against the conduct of business by the noble Lord at the head of the Government, under which they were all suffering and against which they had all a right to complain. He did not remember to have heard, during the time he had occupied a seat in that House, from gentlemen of mark and weight, and unconnected with the political party to which he himself belonged, such complaints against the conduct of public business as he had heard within the last three years against the conduct of business by the noble Viscount. No such complaints were made against the conduct of business by the late Sir Robert Peel, the noble Lord the Member for the City of London (Lord John Russell), or the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). It should not not be forgotten that the noble Viscount was not merely the leader of a great political party and the head of Her Majesty's Government, but that by his position he was emphatically the leader and conductor of the debates and proceedings in that House. It was therefore a matter of public concern that every hon. Member, if he saw in the conduct of business elements which were fatal to the due consideration of important public measures, and which tended to narrow and impair the freedom of discussion, should make his opinion known. For his own part, he could not refrain from giving utterance to his opinion that the way in which this Bill had been forced through, at a time when it was physically and morally impossible for its great principles and its numerous and important details to be fairly and fully discussed, had a tendency to shake that confidence in the conduct of public business by the noble Viscount which it was of the utmost importance should be entertained by every section in that House. He made these observations with regret and pain, but he made them because he thought it was a solemn duty that those who remembered how important debates in stormy and tumultuous times had heretofore been conducted, and how measures of not greater interest than the present had been submitted to the consideration of the House by former leaders, should express their opinion upon the course pursued by the noble Viscount. His hon. Friend the Member for Oxford University (Sir William Heathcote) had already given an adequate reply to the observation of the Home Secretary, that when this Bill received the Royal assent it would settle and conclude all the important questions with which it dealt. Let not the right hon. Baronet or the noble Viscount believe that those great questions would be settled by this anomalous and inconsistent measure, but let them be prepared to see that important question which affected the consciences of the clergy re-opened in another Session, and let them then endeavour to conclude it upon a basis which should be at once just and consistent. The settlement, as it was called, which was now arrived at could not be regarded as a settlement based upon reason or justice, and when he reflected that it was agreed to in a House numbering some hundred Members, and carried by a majority, — if there was a majority — the barest that could be imagined, of Gentlemen unconnected with the Government—considering, likewise, the excitement which it had created, and the direct violation which it involved of the settled law of the country—he thought that everybody must expect the question to be reopened in another Session. He took leave of this ill-omened, this anomalous, this inconsistent Bill, with again raising what he knew was a vain, but what was, at any rate, a most earnest and sincere protest against it, on account of the principles which it embodied, on account of the provisions by which those principles were to be carried into operation, and on account of the mode and manner in which it had been forced through a jaded and reluctant House of Commons.

Viscount PALMERSTON: Sir, I shall detain the House for but a very few minutes while I make some observations on the course which has been adopted with regard to this Bill. I must say, then, that I think the course which hon. Gentlemen opposite intend to take upon the present occasion is creditable to themselves and respectful to the House. The matter has been fully discussed, and while they maintain their own opinions and have taken advantage of this opportunity to repeat many of their arguments which, in its progress, they have used against the Bill, they feel that it is neither necessary nor desirable for them to take the more formal step of dividing the House. The noble Lord who has just sat down began with a bill of indictment against me, saying that the manner in which, as the leader of the House, I have conducted public business has called down upon me not only his censure but also that of all the most experienced and respectable Members of the House. I waited with some curiosity and considerable anxiety for the explanation which the noble Lord proposed to make of this very criminal proceeding on my part, dating, as the noble Lord stated, from the moment I occupied the position which I have now the honour to hold; but greatly to my relief, and somewhat to my surprise, I found that the whole of his charge reduced itself to the course pursued by the Government with regard to this particular Bill. The noble Lord thinks that the Government have pressed the Bill with undue and improper haste. Now, with respect to that assertion, as well as to some observations made by other hon. Gentlemen on the same side of the House, I beg leave to say that neither I nor any of my colleagues ever held the doctrine that this Bill was to be hurried through the House without full discussion, or that the House ought to adopt it just as it came down from the House of Lords without amendment or alteration. We have never said anything approaching to such a declaration. What was the state of the case? When this Bill came down from the House of Lords the town ran with declarations and announcements that those who were opposed to it would never allow it to pass, that by prolonging the discussion day after day, and night after night, they would render it impossible for us to carry the Bill through this Session. I am one who do not like to quote private or casual conversations which may pass between hon. Members of this House, but perhaps I may be allowed to state that one prominent opposer of the Bill said to me on one occasion, "You never shall pass this Bill." I replied, "Won't we!" Again, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) said something about the Greek Kalends, which he afterwards explained, but which undoubtedly at the moment I thought had more reference to the passing of this Bill than to the Motion of the right hon. Baronet the Member for Droitwich (Sir John Pakington) on the subject of education. What was the language we held with reference to those threats of impeding and thwarting the Bill, not by argument and fair discussion, but by seizing every pretext for delay? My answer was, "We are able and ready to discuss the measure as long as anybody chooses to sit here; we will sit till September if it be necessary; we are in no hurry, and will with pleasure hear anything that any hon. Member has to say in favour of any alteration he may have to propose in the Bill." Therefore it is an unjust and unfounded accusation which the noble Lord brings against myself and my colleagues, when he says that we are open to the censure of departing from the ordinary and proper practice which is usually adopted with respect to passing measures of this description. I maintain the opinion which I have always entertained, that this measure is a great improvement in the state of the law with regard to divorce. When we were asked what the intentions of the Government were regarding this question, our reply was that our intentions were in the Bill; but it did not at all follow that those intentions might not be improved by argument and discussion. No set of men can so frame a measure as that the first draught of it shall be perfect. All measures introduced to Parliament are necessarily liable to improvement by discussion, and the intention of those who introduce them must always be to listen favourably to the objections and opinions which they may hear urged in debate. There are two or three points in the Bill now before the House that have been particularly adverted to. The principal one regards the exemption given to clergymen who may object to celebrate the remarriage of persons whose marriage has been dissolved by reason of their own offence. The noble Lord opposite (Lord John Manners) argues that that exemption is not sufficient, and I understand the hon. Baronet the Member for the University of Oxford (Sir William Heathcote) to say that we did not go far enough because we have not admitted the objection founded on the indissolubility of marriage. Now, I can truly say I never gave a more reluctant consent to anything than I did to the concession made in this matter. I did it solely in deference to the feelings of a large body of clergymen, whose feelings, even though wrong, were in my opinion entitled to respect. With regard to the question of the indissolubility of marriage, it was impossible for the Government to admit that plea. I deny that there is anything in the teaching of the Church of England to justify the opinion that marriage is indissoluble. If we look to the 25th article of the Church, which every clergyman is bound to subscribe, we find that the contrary is distinctly affirmed. It is there affirmed that matrimony is a state of life allowed in the Scriptures, but having nothing in common with the nature of a sacrament "for that they have not any visible sign or ceremony ordained of God." It is therefore impossible that any man who subscribes to this article can maintain that marriage, is on religious grounds, a tie that cannot be dissolved. It was simply, then, on the ground of their conscientious objection to marry persons who had been guilty of a great moral offence, that I consented to the concession on behalf of the clergy. I concur in every argument which my hon. and learned Friend the Attorney General used against the principle on which their objection is founded. I trust the clergy will understand the views and feelings that have induced the Government to agree to that concession, and that they will not look upon it as an admission of a principle which, if carried into practice, would, I fear, be highly detrimental to the interests of the Church of England. The Church of England has stood hitherto on ground very different in some respects from that of Churches in other countries. It has never assumed to itself the right of being an ecclesiastical inquisition. The clergymen of that Church have contented themselves with being the guides, the instructors, and the friends of the laity. They have set an example of purity of life which has recommended to the laity the precepts that have come from their lips; but if they should think that this concession entitles them to assume to themselves that authoritative interference in the affairs of private life which is too frequently assumed by the clergymen of other countries, I am afraid they will do the greatest possible injury to the Church by creating in the minds of the laity feelings towards that Church very different from those which hitherto have prevailed. A few years ago I was talking to a very distinguished person belonging to one of the central States of Italy, and I was urging upon him the absurdity and wrongfulness of the interference of Government to prevent converts from the Catholic to the Protestant faith, when his reply was that if they did not make it a punishable offence the whole people would become Protestants. "What!" I said, "do you mean to say that their religious opinions hang so loosely about them, and that their minds are so predisposed to Protestantism, that they would immediately, if let alone, alter their religion?" "Oh," said he, "you misunderstand me; it is not from religious conviction that they would become Protestants, but they would become Protestants to withdraw themselves from the tyranny and oppression of the priests." I say, then, that if the clergy of the Church of England were to depart from that course they have hitherto pursued, they would inspire in the minds of the laity very different feelings from those which happily now prevail. Coming to the provisions of the Bill, I think it is unnecessary to enter any further into a consideration of those provisions. I think the Bill has been improved in its progress through this House, and I trust that, when it goes back to the other House of Parliament, those learned persons who have already discussed it at great length will see reason to adopt the Amendments that have been introduced, many of which have been made with the full consent even of those who opposed the Bill on principle. It cannot be said that this Bill has been discussed by insufficient numbers. The first Motion made was for delaying the Bill for a month, and that was done in a House of 347 Members—a very considerable and sufficient number of Members to discuss a measure of any importance whatever; and in every subsequent stage of the Bill the attendance has been considerable. This I may also add, that on every division those who affirmed the principle of the Bill were at least two to one. I should hardly have thought it necessary to make these remarks had I not wished to take this opportunity, perhaps the last that may present itself, to direct the attention of the House, and, through the House, the attention of the country, to the course that this House of Commons has pursued since the last general election, because I think that course has been highly creditable to Parliament, and calculated to inspire the country with confidence in those who have been sent here by the various constituencies to represent them. First of all I should say that which is well known, that though the present House of Commons was elected in a period of great political excitement, and when questions were discussed that greatly agitated the public mind, there never was a general election in regard to which there were so few acts of irregularity, none in which so few cases either of bribery or intimidation were alleged or proved. Therefore, I think the House may justly feel that in its constitution it has a right to stand well in public favour. Then as regards the Session, it has been very short—but three months; but I believe there never was a Session in which the Members of the House devoted themselves so actively, so perseveringly, and so successfully to the consideration of the business before it. The House has transacted a large amount of private business, involving close personal attendance on the part of hon. Members, and it has disposed of all the election petitions brought before it, many of them embracing questions of great difficulty and delicacy. When first these election petitions were presented, many of the Members thought it would be impossible to get through them during the present Session; but, nevertheless, they have been all disposed of, though they and the private business of the House have made necessary many morning sittings in Committee. Then in regard to public business, this House has never grudged its time and attention to the Measures proposed by the Government or by private Members. We have often sat to a late hour in the morning, and frequently we have also passed several hours here in the forenoon and afternoon, and I must say the patience, with which the discussions have been listened to, has been exceedingly creditable to the Members of this House. These are things that perhaps do not strike the public out of doors as they may strike us, but I am sure the House will excuse me for having taken this opportunity of drawing attention to its own good conduct, and of having in this way recorded before the country my belief that the Members sent to represent them in Parliament have not been inefficient representatives, and that they have not been neglectful of the duties intrusted to them by their constituents.

Bill read 3°, and *passed.*

Viscount Palmerston

ECCLESIASTICAL COMMISSION CONTINUANCE BILL.

LORDS' AMENDMENTS.

SIR GEORGE GREY said, that in moving that the Lords' Amendments be considered and agreed to, he wished to explain that as the Bill had reached the other House so late as to come within the rule which their Lordships had laid down not to read any Bill a second time after a certain day, their Lordships had not entered into a consideration of it, but had struck out all the new clauses, and had reduced it to a mere continuance Bill. There were some points in these new clauses to which it was perhaps not altogether inexpedient that further consideration should be given, such, for instance, as to the provision fixing the incomes of the Bishops by assigning them lands, and that relating to the mode in which the accounts of deans and chapters were to be made out. The provision relating to terms of enfranchisement only gave a legislative sanction to that which was now the actual practice of the Ecclesiastical Commissioners. It was founded on the recommendation of the Select Committee, and the Commissioners had ever since felt it their duty to act upon that recommendation. It would, perhaps, however, be more satisfactory to the lessees if the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) would state that it was the intention to continue to act upon that rule.

MR. WALPOLE said, that as the right hon. Baronet had appealed to him, he would repeat what he had stated before, that the Commissioners had felt it their duty to act upon the recommendation of the Select Committee in regard to the terms of enfranchisement, and would continue to do so. He hoped the lessees would rest satisfied with that assurance. He extremely regretted that the measure which had been sent up to the other House had not passed into law. It was of great importance that Parliament should settle the manner in which the incomes of the Bishops should be permanently paid, and also that it should settle the form in which the accounts of the deans and chapters should be drawn up. He should adhere to the principles contained in the Bill from a conviction that they were calculated to put the question of Church property upon the best footing.

MR. RIDLEY said, he must also express his great regret that the Bill, as sent up to the other House, had not passed into law.

The declaration just made by the right hon. Gentleman opposite on behalf of the Ecclesiastical Commissioners was calculated to give great satisfaction to the parties interested.

Lord JOHN MANNERS said, he too regretted that the Bill had not passed in its integrity, but this regret was much lessened by the fact that the clause introduced into the Bill by the hon. Gentleman who had just sat down was among the clauses struck out by the other House.

Lords' Amendments *agreed to.*

On Motion, "That the House at its rising do adjourn to *Monday next.*

MEDAL FOR THE PERSIAN EXPEDITION.

QUESTION.

Colonel SYKES asked the President of the Board of Control whether it was the intention of Her Majesty's Government to confer upon the officers of the Persian expedition the customary testimonials of approval of successful military operations in brevets, honours, and a medal. Expeditions by sea were always more trying to the temper, to the physical constitution, and to the comfort of troops than were those by land, and they were more than commonly trying to the Sepoys, who, if they were all of good caste, were, during the whole voyage, compelled to live upon a dry vegetable diet, as they could not cook food while they were on board ship. It was no doubt to be regretted that such a thing as caste existed amongst the Hindoos; but then it was a great fact, and we could not help it; so it was to be regretted that antagonistic religions existed in the world; but there they were, and we could not help it. Caste entailed personal sufferings and sacrifices upon the Sepoy while he was on board ship, and therefore gave him a greater claim to consideration than if his services were rendered by land. The House would admit that the expedition to Persia had been managed with unexampled success, that the officer who commanded it had not failed to accomplish any of its objects, but had conducted it to an end which was creditable to the troops and to himself. Under these circumstances, and considering the present state of affairs in India, it was highly desirable that those honours and rewards, which were so dear to soldiers, should be conferred with as little delay as possible.

Mr. VERNON SMITH said, that the hon. and gallant Gentleman and the House must be aware of the high honour and estimation in which Her Majesty's Government held the gallantry, the courage and skill which were displayed by the officers and men of the troops engaged in the Persian expedition. Whether their services had been such as to bring them within the rules observed in the granting of the honours and rewards referred to, and whether the success of the expedition was such as to justify the striking of a medal for the occasion, must be questions for future consideration. The course pursued on these occasions, as the hon. and gallant Member well knew, was that the Governor General should specify the officers whom he recommended for honours to the Court of Directors, and that the Court should forward these recommendations to Her Majesty's Government. Therefore, if the hon. and gallant Member was anxious to expedite the conferring of these honours, instead of asking him (Mr. Vernon Smith) for information, his best course would be to urge the question upon the Court of Directors, of which he himself was a Member.

Colonel SYKES said, he had not put this question as a Director of the East India Company.

ALTERATION OF AMENDMENTS.

QUESTION.

Mr. GRIFFITH said, he would beg to ask the right hon. Gentleman in the Chair whether, when an important Amendment placed upon the Notice Paper is subsequently altered in its leading principle, it will not be desirable that some note of such change should be appended to it? His reason for asking this question was that, during the discussion upon the Divorce Bill some Amendments, and particularly one moved by the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) in the 53rd clause, were altered from the form in which Notice was originally given of them in such a manner as might have been productive of much inconvenience.

Mr. SPEAKER said, that the terms of the hon. Gentleman's question as to the mode of treating an important Amendment gave rise immediately to one difficulty. Who was to determine what was an important Amendment, and what not? It was the privilege of every Member of the House to give notice of any Amendment, at the same time it was extremely proper and useful that he should have the power of altering the terms of his Amendment in order to make it conform with the Bill in its progress. It did not appear to him to be too much to expect of hon. Members that they should look at the Notice Paper of the day to see what Amendments were to be proposed. He did not think that it would be desirable to make any change in the system which at present existed.

House adjourned at half-past
Three o'clock till
Monday next.

HOUSE OF LORDS,

Monday, August 24, 1857.

MINUTES.] Took the Oaths—The Lord Howden.

INDIA.—TRAFFIC IN OPIUM.
OPINION.

THE LORD CHANCELLOR laid upon the table a copy of the legal Opinion taken by the East India Company, and dated the 5th August, 1857, as to the manufacture and sale of Opium, together with a copy of the case on which such opinion was given. The noble and learned Lord said that towards the close of last Session the Earl of Shaftesbury moved that certain questions upon this subject should be put to the Judges; but as it was thought inexpedient to consult the Judges, the Government consented to consult the law officers of the Crown, and a case was accordingly submitted to them, with the promise that their opinion, and the case in which it was founded, would be laid before this House.

LORD ST. LEONARDS did not object to the reception of the paper, but deemed it unusual to refer to the law officers of the Crown for their opinion.

LORD CAMPBELL concurred in thinking it a novelty to obtain for their Lordships the opinion of the law officers of the Crown. It was not respectful to the Judges, who were their Lordships' constitutional advisers, that they should be passed over, and he did not approve of it.

THE LORD CHANCELLOR believed that by common consent it was thought inconvenient to consult the Judges upon a matter which might come before them judicially, and that all parties agreed in asking the Government to consult their law advisers upon it. The Government consented, and undertook to communicate to their Lordships what that advice was. Their Lordships were not bound to be guided by it, or to give it more attention than they thought it deserved.

BURIAL ACTS AMENDMENT BILL.—Commons' Amendments to Lords' Amendments *considered* (according to Order), and *agreed to.*

MILITIA BILL—SALE OF OBSCENE BOOKS, &C. PREVENTION BILL.—Commons' Amendments *considered* (according to Order), and *agreed to.*

DULWICH COLLEGE BILL. — Commons' Reasons for insisting on certain Amendments to which the Lords have disagreed, *considered* (according to Order): *Moved* not to insist on disagreement to Amendments on which the Commons have insisted. On Question, Whether to insist? *Resolved* in the *Negative;* and a message sent to the Commons to acquaint them therewith.

THE MILITIA.—OBSERVATIONS.

THE EARL OF ELLENBOROUGH rose to recall the attention of the noble Baron at the head of the War Department to a subject upon which he offered some observations a few days ago,—namely, as to the number of militia who would be embodied under the Vote passed by the House of Commons granting £200,000 for the purpose. He understood the number to be embodied was about 10,000. He wished to remind the noble Baron that about thirty battalions of the army were now transferred to the East India Company, who have to maintain them, and the expense of their pay for six months would be £450,000. Four additional regiments of cavalry were transferred to the charge of the East India Company, and he believed their pay for six months would amount to about £39,000. From 2,000 to 3,000 artillery were to be sent, and their pay for six months would amount to £32,000. It was said that some sappers and miners were to be sent, and he believed their pay would be £8,000 during the same time. Therefore, the revenues of this country would be charged £529,000 less than had been anticipated. They were at once relieved of the charge for 30,000 men, and the charge for the recruits who were to fill their places would come gradually upon the public revenue. He thought that the total charge, allowing 1,000 to be recruited every week in the next six months, would be under £30,000, and there would then remain a balance of £230,000 in favour of the Imperial Exchequer, applicable, under the clause in the Appropriation Act, to which the attention of their Lordships was called the other day to any military purpose. The noble Baron would have the power, not only of embodying 10,000 militia, but about 11,000 or 12,000 more could be paid for by the surplus under the different heads of charge which he had pointed out, and he ventured to express a fervent hope that the noble Lord would employ that sum in the manner he had indicated.

LORD PANMURE said, the noble Earl had shown, with his usual lucidity, and correctly described, not merely the position of affairs, but the course which the Government intended to pursue. Under the Vote of £200,000, 10,000 or 12,000 militia would be embodied, and whatever balance remained in their hand disposable, whether £200,000 or £300,000, it would be applied to the exigencies of the service, either in embodying more militia or in sending out more recruiting parties for the army. He was happy to say that during the last three weeks upwards of 1,500 men had been recruited, and, as the winter approached, they would speedily be able to fill up the void occasioned by the draughts to India.

THE DIVORCE AND MATRIMONIAL CAUSES BILL.

EXPLANATION—LORD REDESDALE.

LORD REDESDALE said, he wished to recall the attention of their Lordships to what took place in that House on Friday night. He hoped their Lordships would give him credit for not wishing to provoke any angry feelings in reference to what then occurred, but in justice to himself it was absolutely essential that he should advert briefly to the subject. The whole question turned upon what was the practice of the House regarding notices. He believed that in this matter their Lordships were mainly guided not by Standing Orders, but by usage, which should be still more binding. No one was more strongly convinced than he was, and no one could urge more strongly than he did, that nothing should be done without proper notice. It was upon all occasions desirable, in regard to Bills in their Lordships' House, that the utmost possible notice should be given. In the early part of the Session, Bills remained upon the books many days, and sometimes weeks, without any notice being given of an intention to proceed with them; but towards the close of the Session the time allowed for notices necessarily became shorter, although it was important that the greatest possible length of notice compatible with the proceedings of the House should be given; and when the days of the Session were numbered, there ought not to be an hour's delay in giving notice of any proceeding on a Bill. If the noble Lord in charge of a particular Bill gave no notice, it became the duty of noble Lords who took an interest in the Bill to discover whether it was intended to proceed with it or not. If it were to be proceeded with due notice should be given, and it was perfectly in the power of any noble Lord to propose not to proceed with any measure on the ground of the lateness of the Session, by giving proper notice of his intention to raise that issue. If this rule applied to private Peers, how much more essential was it that notice should be given by the Government; for otherwise, from its great power, it might always take the House by surprise, even at the last day of the Session, and so deprive any noble Lord who wished to oppose a measure of the opportunity of doing so. The course he had pursued in reference to the Divorce Bill was to give the earliest notice possible of his intention to move the postponement of the consideration of the Amendments—a course which obtained publicity through the circulation of the public journals. This step he had taken in a manner perfectly courteous to the other House, because he founded his intention upon the late period of the Session and the small attendance of right rev. Prelates who were more especially capable of advising their Lordships upon the subject. But the notice was distinctly given by word of mouth and circulated throughout the whole country by the public press. To show that a summary proceeding in regard to the consideration of Amendments by both Houses was not without precedent, he might cite the case of the Municipal Corporations (Ireland) Bill in 1836, when Lord John Russell moved, without notice, immediately on the return of the messengers from the Conference, that the Amendments of the Lords be taken into consideration on that day three months; that took place on the 30th June, though Parliament was not prorogued until the 20th August; and that of the Registration of Electors Bill in 1838, when Lord Melbourne moved, without notice (Parliament was prorogued the next day), that the Lords do not insist on their Amendments which had been rejected by the Commons only the night before. No objection was taken against the Motion on the score of want of notice. The Opposition were prepared, and the Government were defeated; and he believed that on the present occasion, if the noble Lords opposite had found themselves strong enough, no objection would have been raised on the ground of informality. With respect to such of the matter as was personal to himself, he trusted he might be allowed to say a few words. He thought their Lordships would be disposed to admit, that since he had the honour of a seat in that House, he had not laid himself open to the charge of being disorderly, or of promoting disorder. Whether he was right or whether he was wrong in the form of notice he had given, he thought he had just ground to complain of the manner in which he was treated on Friday night. The Divorce Bill, though a Government Bill, was not a party Bill. Many of his noble Friends on that side of the House had given to it their support; and many on both sides of the House had given to it their earnest and conscientious opposition. Now, he begged to ask their Lordships what was the position of affairs on the day he gave his notice? Why, a fortnight had elapsed since the day fixed by the House as the last on which any Bill should be read a second time, and the Appropriation Bill was down upon their Minutes for a third reading, and surely, under such circumstances, when the Session was upon the very eve of its termination, no long notice could have been expected. Every day that passed more and more diminished the power of Peers who, independent of any party motives or connections, were opposing a Government measure. For these reasons he had asserted then, as he asserted now, that his notice was sufficient. Well, but it would be said, why had he not proceeded with it? To this he replied, that though confident in the propriety of the course he had taken, yet after the appeals made to him by the noble and learned Lord on the woolsack, by the noble and learned Lord the Chief Justice of the Queen's Bench, by the noble Earl the President of the Council, by the noble Marquess (the Marquess of Lansdowne) who sat opposite, and, he might add, by his noble and learned Friend who sat near him (Lord St. Leonards), he consented to withdraw his notice on Friday night, not wishing to set up his own opinions against the opinions of so many other Peers of weight and authority. He must declare that the manner in which he was spoken of by more than one noble Lord was personally painful. He had not said one word to excite the hostile feelings of any one. However irritating the words were which had been addressed to him, however harshly they had grated upon his feelings, he was pleased to think that he had refrained from saying anything which had a tendency to disturb the order of their Lordships' House. He thought it better, in consequence of the temper and tone of noble Lords opposite, not to press the matter further upon that occasion; but he must say, it was hard, very hard, to bear, without noticing it, the language which some noble Lords thought fit to use, reminding him that he was the Chairman of Committees, and accusing him of acting in a manner unbecoming the holder of that office. He solemnly declared that if he could for one moment suppose that his conduct was open to the charge insinuated against him, he would not stand any longer before their Lordships in that or any other capacity. He felt more strongly this language, coming as it did from noble Lords with whom he had been for years on terms of friendship, and he could not but believe that upon the calm exercise of their judgment they would now be anxious to admit they had been hurried away by their feelings, and to accord that acknowledgment which he considered equally due from them to the House and to himself.

Earl GRANVILLE said, if he were not mistaken he was the last who addressed their Lordships on the Motion of the noble Lord on Friday evening, and if he remembered accurately what he stated then it was that having a knowledge of the accuracy of his noble Friend (Lord Redesdale), as soon as his noble Friend said he had given the notice in question, and that he did not intend to take the House by surprise, he (Earl Granville) on his own behalf and that of his colleagues stated in the most explicit manner, that he entirely believed the assurance given by his noble Friend, and even went so far as to thank him for the handsome manner in which he withdrew his Motion. As far as the strict regularity of their proceedings was concerned, he believed that no notice of his

Amendments was required from his noble Friend; and in the same way that on notice of the Amendments of the Bill having been sent from the House of Commons it was competent for him (Earl Granville), supposing that was the desire of the Government, to have moved that they be agreed to. But the Government were desirous that the House should have some little time to consider the Amendments, and proposed to defer their consideration for three days, and his noble and learned Friend on the woolsack, proposed to fix Monday for that purpose. But to the infinite surprise not only of himself and his colleagues, but of several independent Peers, two or three persons came to him on Friday night and asked if he was aware that on the Lord Chancellor moving the adjournment of the House Lord Redesdale was going to move that the Commons' Amendments to the Divorce Bill be taken into consideration that day six months. A noble and learned Friend of his, who sat below him, told him that, although he did not believe it possible, there was a rumour that the noble Lord (Lord Redesdale) intended at once to move that the Commons' Amendments be taken into consideration that day three months. He (Earl Granville) thought it was quite impossible the noble Lord could meditate such a course; but he went over and asked him whether he intended to move that the consideration of the Amendments should be postponed. The noble Lord at once said it was his intention to do so. At that time several members of the Government were absent, and there was a very thin attendance of Peers on that (the Ministerial) side; there was, however, a large attendance of noble Lords on the opposite benches—but that perhaps was not a singular circumstance, as the noble Lord had given notice of his intention to oppose the Commons' Amendments when they were brought up. He (Earl Granville) and his noble Friends felt that there was a complete surprise, and the assurance of the noble Lord (Lord Redesdale) was required to remove the idea that some surprise had been intended. The Government did not themselves propose to proceed with the consideration of the Divorce Bill on Friday night, and he (Earl Granville) moved the adjournment of the House. That Motion was objected to by his noble Friend (Lord Redesdale); but, supposing the opposition had been pressed, and, upon a division, the adjournment had been negatived, he was at a loss to know whether the noble Lord (Lord Redesdale) would have come forward and taken the Bill out of the hands of his noble and learned Friend on the woolsack, and said to their Lordships, "This is not the Bill of the noble and learned Lord Chancellor; it is a Government Bill, and I will take upon myself to move that the Amendments be considered three months hence." He would repeat that he had not the slightest hesitation in accepting the assurance that his noble Friend had not intended any surprise; but he must say, at the same time, that the notice given by the noble Lord had led the Government to suppose that he did not mean to propose his Motion until the Commons' Amendments were brought, in the ordinary course of proceeding, under their Lordships' consideration. The noble Lord had said that he gave his notice *viva voce*, and not upon paper, and that his notice was, that when the Bill came up from the other House, he would propose his Motion. The terms of the Motion were certainly singularly indefinite; for, if one interpretation was applied to them, his noble Friend ought to have risen the moment the clerk at the table announced that the Bill had been brought up, and have moved that the consideration of the Amendments should be deferred. He (Earl Granville) did not regard the subject at all in a party light, but he was sure any noble Lords who heard the notice, on whichever side of the House they sat, must have concluded that it would be brought forward when the Amendments were in the usual course considered by their Lordships. One or two noble Lords on the opposite side felt there was a virtual surprise, and pressed his noble Friend to postpone his Motion. He (Earl Granville) could only say that he had great pleasure in repeating the assurance he had given on Friday night, that he entirely acquitted his noble Friend of any intention to take the House by surprise.

Lord ST. LEONARDS thought the only thing required to complete the satisfaction with which their Lordships had heard the statement of the noble Earl was, an expression of regret for some observations which had escaped him on Friday night with reference to the conduct of his noble Friend, and which were considered personally offensive.

Earl GRANVILLE said, he could not express regret which he did not feel. When the noble Lord announced his intention at once to take the sense of the House on his

Motion, he (Earl Granville) might, in the excitement of the moment, have used expressions which were not approved by some noble Lords; but he had stated most explicitly his confidence in the assurance of his noble Friend; but even on cool reflection he saw nothing in the course he had taken the other evening for which he should express regret.

THE DUKE OF ARGYLL said, he was not present on Friday night, and he was very glad he had not been in his place; but his understanding was, that when his noble and learned Friend on the woolsack moved that the Commons' Amendments should be considered, the noble Lord (Lord Redesdale) would move the postponement of their consideration. He (the Duke of Argyll) had arranged to leave town on Friday, and certainly neither he nor any other Member of Her Majesty's Government would have done so if they had had the least idea that his noble Friend meant to bring forward his Motion on that day.

THE LORD CHANCELLOR said, his noble and learned Friend (Lord St. Leonards) had expressed a wish that his noble Friend (Earl Granville) had withdrawn some expressions which might have been considered offensive. He (the Lord Chancellor) did not believe any such expressions were used during the discussion; but his noble and learned Friend (Lord St. Leonards) alluded on Friday night to some observations which fell from him (the Lord Chancellor), and which might, perhaps, require explanation. He was perfectly satisfied that his noble Friend (Lord Redesdale) did not intend any "trick;" but what he said was that if the whole Bill should be, to use a vulgar expression, "burked" by such a Motion as that of his noble Friend, the feeling out of doors would be that it had been done by a "trick." That opinion he expressed on Friday night, and he was now prepared to repeat it. The noble Lord (Lord Redesdale) had explained what he considered the proper mode of proceeding in a case of this kind, and had referred to two cases as bearing upon the question; but he (the Lord Chancellor) would ask whether in either of those cases the Motion was proposed not by the promoters of the Bill, but by its opponents? That made all the difference; for in some instances, when the promoter of a Bill received it back amended from the House of Commons, he did without any notice move that the Amendments should immediately be taken into consideration. His noble Friend (Lord Redesdale) had much greater experience than himself in matters of this kind, but he (the Lord Chancellor) doubted whether there ever was an instance in which, when a Bill introduced by the Government had been brought up with Amendments from the other House, a Member who opposed such Bill had moved at once that the consideration of the Amendments should be postponed. His noble Friend certainly gave notice that when the Divorce Bill came up he would move that the Amendments should be taken into consideration at a future time; but, knowing the candour which characterized his noble Friend, he (the Lord Chancellor) thought his intention was to bring forward that Motion when the Amendments came before their Lordships in the ordinary course. It was true the terms of his noble Friend's notice entitled him to propose the Motion at the time he did, but according to the usual course of proceeding it could not have received such a construction.

LORD REDESDALE said, he must remind their Lordships that when he first addressed the House on Friday on the Motion for adjournment, no notice had been given for considering the Commons' Amendments on Monday or on any other day. He was only doing his duty to the House in remarking on this omission, for a great surprise would have taken place if the Amendments had been brought under consideration without any notice appearing on the Minutes among the Orders of the Day. With regard to what had fallen from the noble Earl opposite and the noble and learned Lord on the woolsack, he (Lord Redesdale) thought he had reason to complain of the tone in which he had been addressed the other night. When he found his notice had not been understood, as he intended it should, he consented to postpone his Motion till Monday, and he must say he thought he had not experienced that courtesy from the noble and learned Lord on the woolsack and the noble Earl which every Peer had a right to expect—namely, that he should receive credit for being actuated by honourable motives until the contrary was shown to be the case. If the noble Lords to whom he had referred had calmly stated that his notice had been misunderstood by them, and in their opinion by the House generally, and he had then refused to withdraw it, the language used would have had more excuse; but before anything in his conduct justified them in doing so, when he had only remarked on the impropriety of adjourning without fixing a day for the consideration of the Amendments, they certainly addressed him in language which he had felt, and which, as a gentleman, he could not but feel.

Lord CAMPBELL was understood to say that the noble Lord (Lord Redesdale) had been solemnly warned on Friday night that the general impression among Members of their Lordships' House was that his Motion would not be brought forward until the following Monday. Having great respect for his noble Friend, he (Lord Campbell) earnestly implored him to abstain from pressing the Motion; but the noble Lord persisted in his intention.

Lord REDESDALE: I had not made, and did not make the Motion.

Lord CAMPBELL said, certainly the Motion was not made, but the adjournment was objected to, and he had been surprised that after the noble Lord was informed the debate would be taken on Monday, and that his Motion was understood to apply to Monday, he had persisted in the course he pursued. There was no doubt that the noble Lord conscientiously believed that he was regular; but certainly he had no reason to regret the course he finally adopted, for if he had persisted in his original purpose, and had thrown out the Bill by that manœuvre, he would have done what in the law was called "snapping" a judgment, which was always set aside with indignation by the Courts until further inquiry was made.

The Marquess of BATH was indisposed to refer to what passed in private conversation, but he must say the tone and language of some of the noble Lords on the ministerial side were such as he had never before heard in that House. His noble Friend would have treated them as they deserved if he had persisted in going on with his Amendment.

Viscount DUNGANNON said, he certainly never witnessed in their Lordships' House such a scene as that which had been referred to. It exceeded anything he had ever observed in the wildest days of the House of Commons. The raising of the hands, the ejaculations by the noble Lords opposite, and the cry of "This is the Chairman of Committees," were more worthy of another place than the highest assembly in the land.

DIVORCE AND MATRIMONIAL CAUSES BILL.

COMMONS' AMENDMENTS CONSIDERED.

Order of the Day for the consideration of the Commons' Amendments read.

The LORD CHANCELLOR *moved*, That the said Amendments be now taken into consideration.

Lord REDESDALE said, he felt it his duty to propose that these Amendments be taken into consideration that day six months. He trusted it would not take long to explain his views on the subject, but at the same time it was necessary that he should enter a little into several points which induced him to think that their Lordships could not at present take the Amendments into consideration. The Bill was unquestionably a measure of the greatest importance, but it was not one of great urgency. He would state three grounds on which he thought that their Lordships ought not to proceed with the consideration of the Amendments. The first depended on the character of the alterations made in the Bill by the House of Commons, which were of such magnitude and importance that they ought not to be hurriedly discussed or hastily decided upon. In the second place, when it was recollected what had occurred during the present Session, their Lordships might fairly be of opinion that great advantage would arise from giving the country further time to express its wishes on the subject; and the third consideration which induced him to make the Motion of which he had given notice was, that in the relief several important particulars which was supposed to be obtained by the Bill, was not obtained; that therefore the measure was imperfect, and, as an imperfect measure, ought not to be further proceeded with. With respect to the Amendments made by the Commons, he should not detain their Lordships long, except on one or two points. He would at once admit that some of the Amendments made in the other House were improvements upon the Bill as it left their Lordships' House; other Amendments, again, were of little moment either the one way or the other, and some were grave in their character and objectionable in their effect. With respect to the alteration made by the addition of three Puisne Judges, he did not regard that as a change materially affecting the character of the Court—and he would now advert to the first important alteration—namely, the introduction of local jurisdiction in cases of judicial separation. Here he took a very decided objection both as to the principle introduced and the manner in which that principle was carried out, as well as to the local courts proposed to be constituted. The Bill, as amended, proposed that the sentence of judicial separation might be obtained by the husband or wife from the Judges of assize or from quarter sessions. Now, even as to the Judges of assize, there were reasons rendering that course not entirely free from objection; but he thought that the Court of Quarter Sessions was the most objectionable that could be selected for the purpose. The provision would introduce into the Court of Quarter Sessions, where all the magistrates of the country might assemble, something like the trial of the action for *crim. con.* The justices assembled at a Court of Quarter Sessions were not accustomed to the consideration of such cases, and they knew nothing of the principles and rules of the Ecclesiastical Courts by which all proceedings as to separation under this Act were directed to be governed. In short, he thought that their Lordships must feel that an introduction of a jurisdiction of this nature was most unsatisfactory and objectionable. Their Lordships, however, would not be surprised at it when they considered that this clause was not the result of care and deliberation, but was introduced hastily to meet an abstract Resolution of the House of Commons, that some local jurisdiction should be given. He doubted whether local jurisdiction could be safely allowed—it might be; but that was matter for consideration hereafter; and he did think that a tribunal of this nature ought not to be introduced except on good and sufficient grounds, and that no adequate reason was to be found in a mere abstract vote of the House of Commons. To adopt such a provision as this in regard to the Court of Quarter Sessions was, he believed, in the highest degree inexpedient and inopportune. If local jurisdiction was to be established, he thought that the appointment of a second Judge Ordinary to go circuit and try causes locally would have been preferable to this Amendment of the Commons. Passing by some minor alterations in the Bill, with respect to which he would not offer any argument to their Lordships, the next alteration to which he should direct their Lordships' attention was a very important one, being the introduction of four new causes for which a wife might sue for a divorce; and in this respect he thought that the Amendments introduced by the Commons were essentially erroneous. The first new ground was adultery committed by the husband in the conjugal residence. It appeared to him that that proposition was open to the gravest objection. It was intended, no doubt, to meet the case of a man bringing a mistress into the house and allowing her to sit at meals with his wife and to mingle in their general society. But as it had been pointed out when the Bill was in that House, such a case would in most instances come within the category of adultery coupled with such cruelty as would entitle the wife to a divorce; but, if it did not, he did not think that it should be made the separate ground for a divorce, because it might enable the wife, when so disposed, by putting temptation in the way of the husband, to effect the object which she had in view. The next ground was adultery coupled with rape; but he thought that rape was an offence against the woman ravished, by which, as committed generally under the impulse of sudden passion, the wife was far less insulted and injured than by habitual adultery with a mistress or other women. He objected, therefore, to the introduction of that plea for divorce. The other two pleas he need not characterize with more particularity than to say that they contemplated offences which were of very rare occurrence, and that the introduction of them into an Act of Parliament which would come into the hands of females and all classes of the community was objectionable. There was an Amendment to Clause 26, enabling the court to order the husband's paramour to be brought before it as a respondent on the wife's petition for dissolution of marriage—of the effect of this he would not pretend to judge, but would leave it to those whose judicial functions enabled them more clearly to form an estimate of its advantage or disadvantage. The next Amendment, however, was one of very great importance. In introducing it to their Lordships, he would remind them how forcibly the action for criminal conversation had been denounced in this House and elsewhere, and how eloquently its evils had been descanted upon; yet, the Amendment contained a provision, giving "damages"—mark the word—to the husband, in the case of the adultery of the wife. One of the main objections to the action for criminal conversation was that, by awarding damages, it estimated the wife's loss by a money payment. The new clause provided, that the claim of every such petitioner should be heard and tried on the same principles, in the same manner, and subject to the same rules and regulations as actions for criminal conversation were now tried and decided on in the courts of common law; and unquestionably established a similar proceeding to the action for criminal conversation. He knew that it might be said, in answer to this objection, that the court had power to direct in what manner the damages recovered should be applied, and that it might direct them to go to the maintenance of the wife, or towards making a provision for the children. Even so, the money did, in point of fact, go to the husband; for if it went to the wife or children, it spared him the necessity of making them such an allowance as he might otherwise be obliged to do. At all events, where there were no children, or where provision for the wife was unnecessary, the argument could not hold good, and the damages—recovered by an action which was to be carried on precisely in the same manner as an action for criminal conversation—must go to the husband. This power given to the court to direct the manner in which the damages should be applied therefore in no way affected the question, either as regarded the objectionable character of the action of *crim. con.*, or the equally objectionable principle of giving damages for the loss of a wife's society. If there were any valid objections to the wording of the provision of the Bill as it went down to the Commons imposing a fine on the adulterer, he thought that it might easily have been amended without the revival of the action for criminal conversation. By the Bill as it left this House the appeal to the House of Lords against the decision of the court was limited to questions of law only. This restriction has been struck out by the Commons, and an appeal is allowed against the decision itself. No one can deny the extreme importance of this alteration, or that it requires the most mature consideration. The next important Amendment was, that having relation to those clergymen who might have conscientious scruples with regard to the marriage of persons who had been divorced. To this Amendment he did not in any way object—indeed, had it gone further, it would have had his concurrence. But to the rider to that Amendment he had very grave objections, by which clergymen who conscientiously objected to marry the divorced parties were required to surrender their churches for the performance of the ceremony by another clergyman. It was said, that persons in this position who desired to obtain a religious sanction to their union would be subjected to inconvenience if they were not allowed to be remarried in the parish where they, or one of them, resided. But such persons might go before a registrar, and then might proceed to any parish in the kingdom where they knew the clergyman was willing to perform the ceremony, and there be married according to the forms of the Church. Instead of this, however, the clause allowed divorced persons, contrary to the will of an incumbent, to intrude themselves into his church provided with a clergyman who entertained no objection to unite them. None but a disreputable clergyman would be found to undertake the office. No one with the feelings of a christian minister or a gentleman would be party to such intrusion. For such a provision there was not the slightest ground; all precedent was against it; it introduced a principle, the consequences of which could not be foreseen; and he trusted, therefore, that their Lordships would withhold their assent from this clause. He had now gone through the principal provisions to which he entertained objections, and he thought that, without adding one word more, he had said enough to convince the House that these Amendments were of too grave a character to be proceeded with at that period of the Session, and that they ought to be postponed on account of the limited time allowed to their Lordships for consideration. It was, too, not their Lordships only, but the public, who required further time. Extraordinary as it might appear, this subject had never been seriously considered by the people of this country until within the last few months. The number of petitions which had been presented against the Bill during the last few weeks proved that the country had not been led to consider the probable consequences of this Bill until it seemed likely to pass through the other House of Parliament—a period so recent that no one could contend that sufficient time had transpired to allow the due consideration of so important a question. As a proof of this, he would point out that, after the measure was sent down from this House, a petition of a most important character was presented, signed by several thousand clergymen, representing almost the whole of their body; and it was impossible not to conclude that these reverend persons, though they might be thought to be particularly interested in the subject, had not become fully aware of its probable consequences till a late period in the progress of the Bill. This fact afforded a pretty good instance of the small regard which people in general had paid to the question, and the necessity of further consideration. When they looked at the increasing number of petitions presented to the House of Commons, up to the last moment, against the Bill, it was evident that people were only just awakening to its probable effects, and he thought, therefore, that precipitately to hurry forward a measure which affected every household — a measure for which there was no immediate necessity, and which was not called for on any urgent ground—was not doing justice either to the country or to Parliament. And he would also venture to instance himself as showing the effect which due consideration of this question produced. When he was appointed a Member of the Commission, he was one of those who thought that facilities for divorce might be safely extended, but the consideration which he felt it his duty to give to the subject before he could report upon it had shown him his mistake. And he might point also to a distinguished Member of the other House —a man not likely to be thoughtless in matters appertaining to religion—in whose views a further consideration of this subject had made considerable alterations. Under such circumstances he thought that for the country generally further time should be given. The last ground of objection he proposed to urge against the measure was its extreme imperfection. One of the great arguments in favour of it was the expensive and anomalous nature of the proceedings now necessary before Parliament. But no provision had been made to meet the case of divorces in India, and in such cases exceptional Bills would still have to be passed. Then, again, the Bill did not apply to Ireland. The Probates Bill, a sister measure, upon which this Divorce Bill was in some degree dependent, was extended to Ireland. Why was not the same course pursued with regard to this Bill? Where was the difficulty in the way? Certainly none arose out of the machinery of the Bill. It was solely on account of the late period of the Session, and an apprehension of increased opposition in the Commons from some of the Irish Members, that the provisions of the Divorce Bill were confined to England alone; that was to say, the measure, for want of due time for consideration, would be an imperfect one; and in the next Session of Parliament they would have to deliberate again on the subject, owing to this hurried, immature piece of legislation. After all, the greatest question of all involved in the Amendments was the extension of the grounds of divorce. Their Lordships had made some extension and the Commons had made a very material one, and the Bill had been essentially altered. There was, in fact, a considerable difference in the conclusions come to by the two Houses, and the question was, whether this difference should be settled as the result of deliberate judgment, or merely to suit the wishes and convenience of Government. He hoped, however, that on a question of this nature, which so deeply concerned the welfare of England, their Lordships would not proceed with unbecoming haste merely to enable the Government to take credit for having passed a Divorce Bill, but would give it that earnest and grave attention which it demanded. Believing that it could not this Session receive adequate consideration, he moved that the Commons' Amendments be taken into consideration that day six months.

The noble Lord concluded by moving that the Commons' Amendments be taken into consideration that day six months.

Moved, to leave out ("now") and insert ("this day six months.")

THE LORD CHANCELLOR said, the noble Lord in support of his Motion had addressed to their Lordships arguments founded on a variety of considerations; but with all respect to the Noble Lord, he begged leave to say that the greater portion of his arguments had no reference whatever to the question whether the Commons' Amendments should be taken into consideration then or that day six months, but to the question whether those Amendments were improvements or otherwise, or to the question whether their Lordships ought to have read the Bill a third time. The first part of the noble Lord's address consisted of observations upon a number of Amendments or alterations which had been made by the Commons, which he represented as being anything but improvements; but whether these alterations were for the better or worse would be the question to be legitimately discussed when each particular Amendment came under consideration. If his noble Friend had been able to show to their Lordships that the Amendments which had been made were totally new, something which had never been considered by the House before, that they came upon their Lordships by surprise, there might have been some foundation for his argument against their proceeding to discuss them. But in point of fact the Amendments to which his noble Friend had particularly adverted were alterations with the merits or demerits of which their Lordships had become perfectly familiar through the debates which had taken place in that House before the Bill was sent down to the Commons. Firstly, with regard to the policy or impolicy of giving some of the jurisdiction in matters of divorce to local courts, that was a question which was discussed by their Lordships, and about which great differences of opinion were expressed by their Lordships. He did not scruple to say that he thought it would be more expedient in the first instance to confine the jurisdiction in these matters to a central court; he stated so when the Bill was introduced in their Lordships' House, and he would not recede from the opinion which he entertained from the commencement of the debates upon it. At all events the subject was discussed when the Bill was before their Lordships. But the other House had decidedly expressed their opinion that at the very outset jurisdiction should be given to local courts as well as to a central court. This therefore was a matter which their Lordships were perfectly competent to deal with, because they had already maturely considered it. The next point to which his noble Friend adverted was the extension of jurisdiction in granting dissolution of marriage at the instance of the wife, which had been given by an Amendment inserted in the other House. As the Bill stood when it passed from their Lordships to the other House, divorce could be obtained by the wife in two cases, and the House of Commons had substantially only added a third cause of divorce: for with regard to the other cause which had been inserted by the Commons—namely, unnatural offences—their Lordships did not include that cause in the Bill, because they did not wish it to be defiled by any reference to those offences, and because they felt that, according to ancient practice, divorce would be granted. With all deference to his noble Friend, he thought it was most absurd to object to their Lordships proceeding to consider the Amendments on the ground that one of those Amendments provided that the commission of offences of a disgusting nature should be a cause for divorce, because it was not likely that application for a divorce on that ground would be made more than once in a century. There were indeed two or three other grounds of divorce introduced by the House of Commons, but they came under the same category as the other. The Committee of their Lordships which sat on this subject two or three years ago thought that bigamy with adultery ought to be a ground of divorce. He yielded to their view, and inserted that case in the Bill: the Commons had added to it the case of rape, and the case of a husband bringing his mistress to reside with him in the conjugal residence. Whether these Amendments were well expressed was not the matter which their Lordships had at present to discuss, but he could not believe that they were not then competent to discuss those questions. The next Amendment to which his noble Friend adverted was that relating to the clergy. That alteration might or might not be an improvement; but surely it was not to be contended that their Lordships were not then in a condition to discuss a question on which they had already had four divisions on each of which occasions they came to a particular conclusion which had not been adopted by the Commons. There was then the question as to the abolition of the action for *crim. con.* He was one of those who did not see his way to the abolition of that action, for he felt that there might be instances of great pecuniary loss arising from adultery, and he could not think that it was altogether safe to abolish that action without giving some substitute. Their Lordships, however, came to an opposite conclusion, and thought that action ought to be at once abolished. There was a great difference of opinion on the subject, and although the House of Commons had not actually restored the action of *crim. con.* they had done what was almost tantamount, with the exception of providing that the money to be recovered might be settled, if the Court thought fit, for the use of the wife, or of the children of the marriage.

With respect to the Church, what the House of Commons had said was, that they yielded to the scruples of the clergy to the extent of saying that they should not be bound to marry such parties in the parish church, but that the church, which for many purposes was the church not of the clergyman but of the inhabitants, should be used for the solemnization of marriage by any other clergyman who did not object to the marriage of divorced persons. Their Lordships would have to consider, when that part of the Bill came under consideration, whether they ought to sanction the compromise thus made by the House of Commons. The other House had inserted an Amendment to the effect that on any question that might arise under this Bill an appeal might be made to their Lordships' House. That Amendment would have to be discussed, not now, but when it came in due course under their consideration. If, then, all the Amendments made by the Commons were such as their Lordships were perfectly competent to deal with at once, then the argument of his noble Friend for delay proceeded upon an entire fallacy. His noble Friend said that the Bill was imperfect, because, among other reasons, it did not extend to India. Now, it should be remembered that the law of marriage and divorce was pre-eminently a law of domicile, and it was extremely difficult to legislate in one domicile, as it were, for what applied to another. It might be that their Lordships might see their way to legislate for India; but the probability was, that on such a subject India must be allowed to legislate for itself, and if it had not now the requisite power to do so, then it would be for the Legislature to confer such a power. It was also objected that the measure did not extend to Ireland. Unquestionably Ireland ought to be considered if a Bill could be introduced; but it was found impracticable to legislate in regard to that country in the present Session, more especially as this was not a matter like that of probate, in which precisely the same laws that were adapted to one part of the kingdom were equally fitted for another. There were many peculiarities arising out of the state of the population of Ireland which would render necessary important deviations from the legislation applicable to England. That was the reason why the abolition of the action of *crim. con.* was confined to this country. It was next alleged that a postponement ought to take place to give further time for the consideration of this subject. What time? How long would it require to make such a question ripe for legislation? It was now nearly ten years since a Royal Commission was issued to inquire into it. The most distinguished men, irrespective of party connection, were selected to conduct the investigation. One of the most eminent of their number was Mr. Walpole, who concurred in the recommendations of his brother Commissioners; and yet that right hon. Gentleman was neither an adherent of the present Government nor in any way chargeable with being opposed to the Established Church. Vice Chancellor Wood, another of the Commissioners, who was very different in his political leanings, yet no one could doubt that he also was an ardent and stanch friend of the Church, and a man who would never consent to anything which he thought calculated to weaken or injure that sacred institution. The Commissioners having made their Report, the Government had announced more than once that a measure would be introduced to carry out their suggestions, and a Bill was accordingly brought in in 1854, and passed that House. The measure was revived in two succeeding years; and was again introduced early in the present Session, and after lengthened deliberations it had received the approbation of both branches of the Legislature. It was said, indeed, that these Amendments came up very late in the Session; but what was the meaning of that assertion? Could it be pretended that there had been any delay in introducing the Bill? It had been introduced at the earliest possible period. He had had two Bills to bring in, the one relating to probate, the other to divorce, and he had taken the first day left vacant by the discussion of the former measure to lay the latter upon their Lordships' table. A month having been occupied in considering it, it then went down to the other House, where, as soon as the state of business would permit, it was taken up and debated day after day and night after night with the most praiseworthy pertinacity, and ultimately it received a third reading, and had now come back to their Lordships for the consideration of the Amendment. Under such circumstances was it reasonable to allege as a ground for postponing the Bill for six months that the Amendments came up to their Lordships at too late a period to be duly considered? If such a doctrine were to prevail, the result would be that no important measure which had undergone a full discussion in both Houses could ever become law. He purposely refrained from entering into the merits of the different Amendments. The proper time for doing that would be when each particular Amendment was before their Lordships; and he should then be prepared to give his reasons for asking the House to agree to them. But on the question whether their Lordships would now entertain the subject at all, it was to be hoped that, seeing there was nothing new in the Amendments—nothing that had not been already, more or less, directly discussed by that House—their Lordships would reject the proposition of the noble Lord and allow those Amendments to be considered.

LORD ST. LEONARDS said, that the question before the House was not what were the merits of particular Amendments, but whether, their hours being numbered, their Lordships had sufficient time for the due consideration of a series of as important alterations as any that were ever made in a Bill sent down to the other Chamber. He had been anxious to know whether the noble and learned Lord on the woolsack was prepared to maintain the Commons' Amendments as they stood, and it now appeared that he was so prepared. If that were really so, he should be compelled to vote for the Amendment of his noble Friend (Lord Redesdale). Nothing could induce him to take that course but his firm persuasion that the only alternative open to their Lordships was either to accept or reject the alterations which the other House had made in this Measure, and not to consider them as carefully as their importance demanded. They must recollect by whom this Bill had been passed, and how it had reached the House of Commons. It had been carried by the votes of a large number of noble Lords, whose opinions were entitled to the greatest deference. Great consideration was due to the absent. Those noble Lords were not absent from inattention to their duties, but because they had no reason to believe that such important Amendments would come up from the other House this year. The learned Lord on the woolsack had defended the Government in regard to the period when this Bill was introduced; but nobody had found fault with them either for not introducing it earlier, or for not pressing it forward in this or in the other House with greater vigour. No one had a right to complain of the protracted discussions which the measure had provoked in the Lower Chamber. But, although nobody might be to blame in this respect, that did not alter the fact that the hours of the Session were numbered, and that the time at their disposal did not permit of the examination of these most important Amendments with the attention they required. The measure in substance and effect had been wholly changed by the ordeal it had undergone elsewhere. Those alterations touched the constitution of the Court originally proposed by the Bill. To the grounds of divorce previously recognized by their Lordships on behalf of the wife other grounds, which were entirely new, had been superadded. The provision in regard to the action for *crim. con.* had also been extensively modified, and there had likewise been a relaxation made in the law in favour of the clergy. In all his innocence he must declare that, whatever might be the view of the learned Lord on the woolsack, the clergy clause, in his opinion, had no necessary connection with the measure. It stood entirely by itself. He had had the misfortune to differ in Committee with eight of his noble Friends in respect to the Court constituted by the Bill, having felt convinced that the Judges appointed to form this tribunal could not possibly find leisure to attend its deliberations. The Commons had added the senior Judge for the time being in each of the Courts of Queen's Bench, Common Pleas, and Exchequer. This entirely met his views, and he of course approved of the Amendment. The House of Commons, by an abstract vote, declared that they would have local Courts, the desire being, as the phrase ran, to bring divorce home to the poor man's door. This remedy ought, indeed, to be extended to the poor as well as to the rich; but he should be very sorry to see every possible facility given to the multiplication of divorce cases throughout the country. The knowledge of the indissolubility of the marriage tie of itself tended to reconcile the parties. During some of the years of a man's life he might wish for a divorce or a separation, but there were many more in which he would regret that he had ever obtained one. It was good therefore that persons should be guarded against the temporary inspirations of their own passions. Parties did not require to be excited to sever the nuptial tie for slight causes, but rather to be restrained. The other House determined to have local Courts, but where did they design to get them? It was at first proposed to give jurisdiction to the County Courts, but no one would listen to that suggestion. Then it was said that the only available local Courts were those of the Judges of Assize, Quarter Sessions, or some Queen's counsel or serjeant-at-law named in the commission. Their Lordships, even in cases of judicial separation, were most anxious to establish such a Court for the decision of these important questions that it would be impossible to doubt the justice of the conclusions to which they should arrive. He would appeal to those of their Lordships who were in the habit of attending Quarter Sessions whether it was not ludicrous to talk of a Court of Quarter Sessions for the trial of such cases. Why, one case of divorce would take up more time than the whole business of the Sessions. Let their Lordships conceive the county magistrates, with two or three cases of divorce to consider at the end of the county business! Parliament had already added greatly to the labours of Courts of Quarter Sessions, and now it was proposed to refer an entirely new class of cases to them. What did county magistrates know of the procedure in Ecclesiastical Courts upon divorce Bills? The Courts of Quarter Sessions were to be Courts of divorce under the Act, and they ought, one would think, to know something of the law and practice of those Courts. These county magistrates would not only have to decide questions of fact, but matters relating to the conduct of the parties. Everything, indeed, that was now brought into an action of *crim. con.* would be brought before Courts of Quarter Sessions. They would also have to consider questions of alimony, and what did they know of the practice of the Ecclesiastical Court in such cases? They must know the fortune both of the husband and wife, and the state of the family, and they would have to decide upon the maintenance, education, and custody of the children, and many other things that required the careful deliberation of a Civil Court. Imagine the poor magistrates in Quarter Sessions called upon to decide matters which they could not cope with! He felt confident that this part of the Bill would break down. With regard to the Judges of Assize the moment a question of difficulty arose, requiring time for its investigation, they would say "We cannot hear it. We have not time. It must go to arbitration." The tendency of recent legislation had too much been to give the Judges power to force parties to go to an arbitration at great cost and with much delay. The Judge would say with truth that he had to open the commission on the following day at the next assize town, and that he had not time to hear a divorce case. A week, in fact, would not be too long with all the aids and appliances of counsel practised in the law for the examination of one of these cases of divorce; but where were the counsel upon circuit, or even the Judges, who knew the law by which the proceedings in such cases ought to be guided? He remembered a joke in the old House of Commons when it was proposed to compel watchmen to sleep in the day time, in order to be prepared for watching at night, whereupon a Member, whom sleep deserted, requested that the mover would be so good as to put him in the Bill; Parliament in like manner was now asked to require parties to do that which it is impossible for them to perform. The Judges of Assize were lastly to appoint some Queen's counsel or serjeant-at-law named in the Commission to try these cases. Whoever framed this part of the Bill must be content to be told that it would not work. It was impossible, indeed, for any man who was conversant with the matters which would come before these Courts to say that the Bill would work. In certain cases an appeal was given from these local Courts to the Court of divorce and marriage, so that a poor man would be dragged through a course of litigation, and would end, where he ought to begin, at the divorce and marriage Court. One of the clauses provided for the expenses to be incurred, and the effect of this clause would be that any person who acted as Recorder or the nominee of a Judge would be entitled to receive a portion of the fees for his own benefit. Thus the suitor would be compelled to pay the cost of the Judge who was to try his cause. This business could not be managed contemporaneously with the general business of the circuit: the Queen's counsel or serjeant must therefore stay behind and quit his circuit. Where would be the counsel to aid him in his labours? Indeed, where at any time would counsel on the circuit be competent to discuss these questions with a knowledge of the law and practice of the Ecclesiastical Courts. He should suggest to Her Majesty's Ministers that they should not press the clause relating to the question of local jurisdiction, inasmuch as it was a point in reference to which no division had been taken in their Lordships' House, but that they should consent to its rejection upon the perfect understanding that that course had not been taken upon the merits of the proposition, but with the view that a separate Bill should be brought in next Session for the purpose of carrying into effect the objects which the advocates of the clause were anxious to attain. The next point to which he should advert was that which related to the question of the extension of the number of the grounds upon which a woman would be enabled to obtain a divorce. The subject was one which had for a long period occupied the attention of their Lordships, and a Government measure had in 1854 been introduced into that House, in which only two grounds had been set forth as conferring upon the wife the right to demand a divorce, those two grounds being bigamy and incestuous adultery. In Committee unnatural offences were added to the list; but then it was required that the offending party should first be convicted of the bigamy or other offence, and finally the additions were struck out. The question whether the commission of a rape should be added to the list had indeed been considered when the Bill had come under the notice of this House in Select Committee; but after mature deliberation the decision had been arrived at that that offence should not be held to constitute a sufficient cause for granting a divorce at the suit of the wife. There had, however, been no mention made upon the occasion to which he referred to those disgusting offences to which his noble and learned Friend on the woolsack had alluded as happening only once in a century, and he could not help concurring in the observation which had emanated from the Commissioners who had been appointed to inquire into the subject of divorce, to the effect that there were cases against which it was not fitting that any legislative enactment should provide. The very rareness of their occurrence rendered, in his opinion, any such enactment unnecessary, while he thought it was desirable that no mention should be made of them in a Bill which would be in the hands of the purest women in England, especially when it was borne in mind that the law as it stood afforded a remedy against those by whom they might be committed. But passing from that point, he wished to call their Lordships' attention next to that provision which had been introduced into the Bill by the House of Commons, making adultery upon the part of the husband, when it took place in the conjugal residence, a ground entitling the wife to obtain a divorce. By the law of France, the fact of a man's living with a concubine in the conjugal residence constituted a ground of divorce; but when, he would ask, did such a state of things occur in this country? Very rarely, if at all, and even if it did take place it would be a case accompanied with circumstances of so cruel a nature as would justify the granting of a divorce *a mensâ et thoro* in our Ecclesiastical Courts, and therefore, coupled with adultery, would enable the wife, under the other provisions in the Bill, to dissolve the marriage. The clause in the Bill dealing with the subject was one which, in his opinion, would be found to be productive of great mischief. The offence against which it was intended to provide was one which must no doubt be viewed with the utmost abhorrence, but he could not help thinking that it was one in reference to which there was no necessity for legislation, while he should contend that the proposed legislation might lead to very injurious consequences, as, for instance, in the case of a wife who was anxious to get rid of her husband, and who might with that view place in his way an intriguing chambermaid, who might induce him to forget what he owed to himself and to society, and cause him to yield to temptation to which he had been designedly subjected. He did not mean to extenuate the commission of such an offence, but then he must say that it was one of a much less grave nature than many others in relation to which the Bill contained no provision whatsoever, while he might add that a Select Committee of their Lordships' House had refused to assent to any proposition making it a ground of divorce against the husband. The provision is a bad imitation of the French law, and it should be borne in mind that in France there can be no absolute divorce. And there all sorts of questions have arisen, as, for example, what if there are a town and country residence, and the offence is committed in one whilst the wife is in the other, or in an upper story whilst the wife is *au premier*, or in a summerhouse. A licentious husband could always evade the law, which to effect the object for which it is intended should extend to adultery with any woman usually resident in the conjugal mansion. But to pass on. He had proposed when the Bill was in Committee in their Lordships' House two clauses, one abolishing the action of *crim. con.*, and the other providing for the infliction of a fine on the adulterer, to be assessed by a jury or by the Court, but to be deemed a crown debt, with power to pay the husband's costs out of it. After considerable debate, the abolition of the action of *crim. con.* was agreed to, and his noble and learned Friend on the woolsack was to have his own clause preferred as a substitute; for both he and the Lord Chief Justice objected to a fine being assessed by a jury, and accordingly he introduced Section 31, which authorized the Court to impose upon the adulterer a fine, and to order him to pay the costs; but in the other House, the power of the Court to impose a fine was objected to by the Attorney General. Now, the other House of Parliament had struck out the words relating to a fine, and had confined the operation of the clause to the payment of costs, while the clause abolishing the action for *crim. con.* was allowed to remain. But what was to be the substitute for the action for *crim. con.?* Why, a husband was to be allowed to petition for a divorce or a judicial separation, or in a petition limited to such objects only, and to claim damages against the adulterer, and the action was to be conducted according to the same form of procedure and under the same principles and rules as the present action for *crim. con?* Now, wherein did the difference exist? He had read the clause fifty times over, and was utterly unable to see any distinction. Well, then, again it was said that a man was disgraced by receiving a money compensation for his own dishonour, but the Bill, as it at present stood, not only provided that an injured husband should receive a money compensation, but also that part of the damages awarded might be allotted by the Court for the benefit of the children or the maintenance of the wife. The Court would have the power to dispose of a fine as they might think fit. For his own part, he looked upon the clause as a most monstrous one. Many persons would rather touch a scorpion than the money which was awarded as damages in compensation of their dishonour, and that statement had been freely used against the action for *crim. con.*; but yet the present Bill not only provided that a man might receive money compensation, but also that a portion of the damages might be allotted for the benefit of his children. As the clause stands, the husband will no longer have the excuse that he is compelled to bring the action in order to obtain a divorce, for he may even bring an action without seeking for a separation or a divorce. Look at the collusion between a husband and wife to draw in some rich booby; the damages may be settled upon the wife, and then the husband and wife may continue to live together. Who could endure that the price of his wife's shame should be settled on his children! he (Lord St. Leonards) thought that a man would rather strangle his children than allow them to be maintained by money so acquired. He would wish to say a few words upon another most important subject. No man had a greater respect than he had for the conscientious feeling of the clergy, but at the same time he could not approve a clause in the Bill which appeared to him to contain the principle of placing the clergy above the law of the land. If the Bill were in accordance with the law of God, why should any exception be made? and, if not, then he would implore the Government to attend to the voice of the right rev. Bench. It had been enacted that parties might go before a registrar and contract a civil marriage, without having a right to any ceremony of the Church, but by the same Act permission had been given to these persons to have their marriage celebrated by the Church, and an option had been given to the clergyman to perform the ceremony or not, as he pleased. The allowance of this option was a most dangerous step. He himself should have thought that if persons had contracted a civil marriage, and desired to it the sanction of the Church, the clergy would have been most anxious to admit them within its pale, and, so far as they were authorized, to sanction the union. He very much regretted the provision in this respect which had been introduced into the Bill. How he should vote in regard to it was, however, another question. He must respect the consciences and the convictions of the persons as a concession to whom this provision had been introduced, and while he must take that opportunity of expressing his regret at its introduction, and his determination, so long as he occupied a seat in that House, to countenance no similar evasion of the law on the part of any class of Her Majesty's subjects, he was not prepared to say that he should vote against this Amendment. As the Bill stood, it first allowed clergymen to declare their own law, in direct opposition to the law of the land, and then it placed upon them a restraint which could lead to nothing but unmixed mischief. They might refuse to celebrate the marriage themselves, but they must permit any other person having a right to exercise ecclesiastical functions within the diocese to come into their churches, and perform that holy ceremony. Let their Lordships picture to themselves what would be the feelings of a clergyman who, having refused to marry a divorced person, on the following day saw a neighbour come into his church and solemnize the marriage. Under such a state of things as that what would become of the friendly feeling, of the domestic happiness which now existed among clergymen who constantly visited and constantly assisted each other? This provision would sow the seeds of the most deadly enmity. If he supported the principal clause, it would be not because he preferred it, but because the House of Commons having pronounced in its favour, the clergy, as a body, might feel that they had a right to it; and therefore, deeply as he might feel against this privilege, and convinced as he might be that it would be injurious to the best interests of the country, he should most unwillingly vote against it. It might appear to the House that his observations ought to have been reserved until the particular Amendments were considered, but he felt that he should make himself better understood by taking a general view of the principal points, and he could promise the House that if they should enter upon the consideration of the Amendments he would not repeat the observations to which they had been so good as to give their attention.

EARL GRANVILLE: My Lords, I am very far from complaining of the course which has been pursued by the noble Lords who have gone so fully into the consideration of, and given us so much information concerning the Amendments which have come up from the House of Commons. On the contrary, I think that the noble and learned Lord and the noble Lord who proposed this Amendment have adopted a most legitimate course. At the same time it does appear to me that the intimate knowledge of these Amendments which both of them have shown, although on several points they have come to perfectly adverse opinions on their merits, a little disposes of the charge that we are asking the House to consider Amendments when it is impossible that it should be properly aware of their value. Putting aside what really is a fiction, that because officially we know nothing of what passes in another place, we are, therefore, perfectly ignorant of all that has happened in regard to this Bill, up to the present moment, I apprehend that the noble and learned Lord on the woolsack fully showed you that these are points of such a nature that, although they involve separate Amendments, any noble Lord who takes an interest in the question has had an ample opportunity of making himself master of their merits. At the same time, while I think that these two noble Lords took a most legitimate and, perhaps, useful course in going so fully into the demerits or the disadvantages of each of these Amendments, still as I apprehend that the question before the House is whether we shall consider these Amendments at once or postpone their consideration for six months—which, of course, means indefinitely—I do not feel myself obliged to follow those noble Lords point by point. I apprehend that if the Amendment is carried, there is an end of the Bill for this Session. On the other hand, if it is not carried, I presume that noble Lords opposite do not consider that that decision will dispose of the whole question. They will then bring forward each of the Amendments to which they object to be carefully considered by your Lordships. Therefore, I think it would be rather a waste of time if I were to go over a line of argument which must be repeated at a subsequent stage. There was, however, one general argument urged by the noble Lord who moved this Amendment which had no great effect upon my mind. That was as to the advantage of ventilating public questions. As a general rule I think it is impossible to ventilate questions too fully, to answer them too cautiously, or to give too much time for taking every possible opinion; but I hardly remember any Bill which has been more carefully and conscientiously discussed on both sides, and both in this House and in another place, than this measure has been. I must also say that I am not certain that there is not an advantage in settling delicate questions of this sort, involving so much, with regard to our social habits, instead of leaving them to be handled in every possible way, some of those ways being, I am quite certain, productive of disadvantage. It may be a metaphysical argument as to the motives which induce persons to commit these crimes, or it may be that an opening is given to persons to consider what scruples can possibly be excited, as have been excited, with regard to the clergy—in this respect I have no doubt most conscientiously felt, but still such as have not existed for a long time, and such as have not been raised without a certain amount of agitation. I do not think that any further advantage will be obtained by leaving this question as a bone of contention for some indefinite period of time. Therefore, if for no other reason than that, I should request your Lordships at once seriously to apply yourselves to the consideration of these Amendments, which I do not admit are such complete changes as they have been represented to be. With regard to the lateness of the Session, that we can only answer in connection with the question whether the House is in such numbers as to be able to consider this subject, and I have hardly during the Session seen the House so full on both sides as it is to-night. I must add that if it is true that we are to-night not to have the advice of some of the most important Members on the other side of the House, that arises from no dereliction of their duty, as it would do if they absented themselves from any motives of personal convenience, but from the fact that on this point they generally agree with the Government, and therefore do not think it necessary to appear in their places to-night. I therefore hope that your Lordships will negative this Motion, and at once proceed to the consideration of the Amendments which have been made in this Bill by the House of Commons.

THE EARL OF CARNARVON contested the statement of the noble Earl, that this Bill was substantially the same as that sent down to the House of Commons. He had taken the trouble to make an analysis of the clauses as they now stood, and he found that, of seventy-three clauses, fifty-nine were either new or had undergone alteration. Five had been struck out and twenty-one had been added, by the other House. Thirty-three had been altered—nineteen materially, and fourteen verbally, or in other minor respects. It was therefore incorrect to say that this was the same Bill which their Lordships had considered already.

EARL GRANVILLE presumed that, among the clauses changed, the noble Earl had included those which related to the title of the court.

On Question, "That 'now' stand part of the Motion?" their Lordships *divided:* Contents 46; Non-Contents 44: Majority 2.

Resolved in the *Affirmative:* Commons' Amendments *considered* accordingly.

CONTENTS.

Cambridge, D.
Cranworth, L. (*L. Chancellor.*)

Somerset, D.
Wellington, D.

Lansdowne, M.
Townshend, M.

Abingdon, E.
Clarendon, E.
Ducie, E.
Fortescue, E.
Granville, E.
Harrington, E.
Harrowby, E.
Munster, E.
Portsmouth, E.
Shaftesbury, E.
Suffolk and Berkshire, E.

Hardinge, V.
Hutchinson, V. (*E. Donoughmore.*)
Sydney, V. [*Teller.*]

London, Bp.

Boyle, L. (*E. Cork and Orrery.*)

Brodrick, L. (*V. Midleton.*)
Byron, L.
Calthorpe, L.
Camoys, L.
Campbell, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
Denman, L.
Foley, L. [*Teller.*]
Glenelg, L.
Granard, L. (*E. Granard.*)
Holland, L.
Howden, L.
Hunsdon, L. (*V. Falkland.*)
Overstone, L.
Panmure, L.
Portman, L.
Rivers, L.
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Wycombe, L. (*E. Shelburne.*)

NOT-CONTENTS.

Norfolk, D.

Bath, M. [*Teller.*]
Salisbury, M.
Winchester, M.

Amherst, E.
Beauchamp, E.
Buckinghamshire, E.
Carnarvon, E.
Cottenham, E.
Dartmouth, E.
De La Warr, E.
Hardwicke, E.
Leven and Melville, E.
Nelson, E. [*Teller.*]
Powis, E.
Romney, E.
Talbot, E.
Vane, E.
Verulam, E.

Dungannon, V.
St. Vincent, V.

Chichester, Bp.

Lincoln, Bp.
Oxford, Bp.
Rochester, Bp.
Salisbury, Bp.

Bagot, L.
Bayning, L.
Berners, L.
Boston, L.
Clifton, L. (*E. Darnley.*)
Monteagle of Brandon, L.
Petre, L.
Polwarth, L.
Raglan, L.
Rayleigh, L.
Redesdale, L.
Sheffield, L. (*E. Sheffield.*)
Southampton, L.
Saint Leonards, L.
Tenterden, L.
Truro, L.
Walsingham, L.
Wynford, L.

On the clause establishing a local jurisdiction in cases of application for Restitution of Conjugal Rights or Judicial Separation,

The LORD CHANCELLOR briefly narrated the history of the clause. It was thought, he said, by the House of Commons, and especially by Members not connected with the Government, that there ought to be local tribunals for the trial of petitions for judicial separation, and that parties residing in the country should not be compelled to apply to the general Court in London. Hence it became necessary to consider to what local courts the jurisdiction should be intrusted. He did not pretend to say that the tribunals mentioned in the clause were free from objection; but, admitting the principle of local jurisdiction, he did not think it would be possible to hit upon better local courts than the Judges of Assize and the Quarter Sessions. It had been said that the Judges of Assize were always so extremely pressed for time, that they had been in the habit of saying, "This case will occupy too much time; it must be postponed till another occasion, or decided in some other way." Now, with an experience of eleven years as a Judge of Assize, he must say that, although he had often heard that that was commonly done, he never saw it done, and he believed it had been greatly exaggerated. All difficulty could be guarded against by rules and regulations to be framed under the Act,—one of the first of which would necessarily be, that petitions should be presented a sufficient time before the holding of the assizes, that the Judges might be aware what business there would be. With respect to the Quarter Sessions, the House of Commons had thought that, as they were seeking to provide a remedy for the poor as well as for the rich, it would only be consistent to establish a tribunal which would be really accessible. There really was no ground for asserting that the Courts of Quarter Sessions would not be competent to discharge the new functions that this Bill would impose upon them. The magistrates composing those courts were men of station, acquainted with the habits and feelings of the humbler classes, and they would be quite able to deal with the cases of separation which would come before them from those classes. He did not mean to contend that the tribunals proposed were not open to objection, but the same could be said of any tribunal that could be suggested. The question now was, whether the Amendment made by the other House was so open to objection as to induce their Lordships to refuse their assent to it. He believed that it was not, and that neither this nor any other Amendment which had been introduced in the other House had at all altered the essential character of the Bill; and as, in a great measure of this kind, there must always be something experimental, he should urge upon their Lordships to concur in the Amendment of the other House.

Lord MONTEAGLE said, he felt such strong objections to this Amendment, made in the other House, that he could not abstain from expressing them. When the Bill was first introduced, the noble and learned Lord on the woolsack had assured their Lordships that it was not intended to alter the conditions and principle of the law of divorce, but simply to improve the tribunal which administered it. Had the Bill been confined to that object, it would have been well, but as it stood at present the Amendments, or rather the changes adopted in this and the other House, had set aside the prudent resolutions of his noble and learned Friend, and he much feared would lead Parliament into innumerable difficulties. Confining himself for the moment to the clause under consideration, he would ask their Lordships whether they thought it did provide improved tribunals for dealing with subjects of divorce. He believed that in one respect, he alluded to the Quarter Sessions clause, it not only failed to improve the existing tribunal, but by an ingenious alchemy it extracted all that was bad from the old system and added thereto all the elements of mischief which any new tribunal could possibly possess. Of the proposition to refer these matters to the Judges of Assize he would say nothing more than that, if this new jurisdiction was imposed upon those Judges it would cause great difficulty in the performance of their primary duties on circuit by overburthening them with new functions arising out of the law of marriage. But a much more fatal change was made. In selecting the Courts of Quarter Sessions, in addition to the Courts of Assize for determining these cases of separation, of management of children, of provision for wives, the House of Commons had selected tribunals which of all others were the worst fitted to determine such matters. He spoke in the presence of men who habitually took part in the proceedings of the Quarter Sessions, many of their Lordships acting as Chairmen of those Courts, and he would put it to their Lordships individually, as magistrates, whether they could truly and conscientiously declare that they believed themselves to be competent to decide on such delicate matters as those he had recapitulated? Would any Peer rise up and say that he felt competent to adjudicate on such questions? Would the noble Marquess opposite, who was so familiar with the business of the Court of Quarter Sessions (the Marquess of Salisbury) say that he felt competent? Would you, my Lord, or you? He made this "appeal nominal," as the French called it, with confidence, because he well knew if every Peer was to vote in accordance with his personal convictions how the decision must be? And if each Peer whom he addressed declared his incompetency to discharge those duties, how could they and the class of county magistrates be fitted to undertake collectively that which they individually rejected. The noble and learned Lord had recommended the Court of Quarter Sessions upon the ground of its cheapness; but it must be remembered that cheapness was relative and depended upon the value of the article purchased, not on its money price. What is worthless must always be dear at any price. Upon a former occasion the noble and learned Lord had told them that it would be a fallacy to suppose that a Court presided over by the Lord Chancellor and composed of great Judges must therefore necessarily be an expensive tribunal, and he assured the House that he did not know a tribunal in which justice could be more cheaply administered than in the new Court to be established under the Bill before them. If this new tribunal of the Quarter Sessions was to be given to the poor simply because it was cheap it would be a dangerous gift, unless care was taken to make it also a good and useful tribunal. Were the gentlemen of England likely to accept with satisfaction duties which they had no professional knowledge or guidance to enable them to discharge aright? And the House must bear in mind that at Quarter Sessions they would have no experienced bar to guide them, for the questions of law raised under this Bill would be those of which the barristers employed at Quarter Sessions knew nothing. His noble and learned Friend said a Bill of this kind should be considered as experimental; but, suppose the experiment failed, in what condition would the Government be placed if they had to come to Parliament and ask them to withdraw from the magistrates sitting in Quarter Sessions the authority which they had failed to exercise satisfactorily? This would be a disgrace to the magistrates of England, if it were not a disgrace to the Legislature, for so ill-advised an enactment. He therefore earnestly entreated their Lordships to relieve the Quarter Sessions from the duties which the Bill proposed to impose upon them, and in order to bring the question to an issue he would move and take the sense of the House on a Motion to omit the following words from the clause: "Or to the Court of Quarter Sessions of the peace held for the county or borough in which the husband and wife are or were last resident."

THE EARL OF HARDWICKE said, he should support the Amendment. The Courts of Quarter Sessions performed their duties with satisfaction; but he thought it extremely unlikely that the magistrates at quarter sessions would be able to give satisfaction to the people of England in the exercise of judicial authority in such cases as would arise under this Bill. Indeed, he regarded it as perfectly ridiculous to hand over to the quarter sessions, involving the nicest and most delicate points that could be raised, and also points of law of which the magistrates had no knowledge whatever. Even the barristers who attended those courts were wholly incompetent to deal with these questions. His noble and learned Friend on the woolsack said these courts were only for the poor, and that there were other tribunals for the rich; but he (the Earl of Hardwicke) did not think that was a statement that would be very satisfactory to the people of England. The Courts selected for the poor were plainly incompetent for the discharge of the duties they were to be saddled with, while those selected for the rich were to be presided over by the highest judicial authorities in the country. In times gone by, when the Whigs were out of office, they pandered to the prejudices of the people—as the Whigs always did when out of office—by declaring that the gentlemen of England sitting in quarter sessions were unfit for the duties they had to perform, and that they ought to be set aside to make room for a paid magistracy. If they passed this Bill as it now stood, they would impose duties upon English gentlemen which they would not be able to discharge, and then they would, perhaps, turn round upon them, accuse them of incompetency, and cry up their favourite maxim of a paid magistracy. The gentlemen of England would not thank Parliament for asking them to attend to duties they were so ill qualified to perform, and thus exposing them to be held up to the world for incompetency. He hoped, therefore, that the House would force upon them no such duties.

LORD WYNFORD said, he would oppose the Amendment. The Bill, as it left their Lordships' House, gave exclusive jurisdiction to a particular Court; but, since the Bill had gone to the House of Commons, several jurisdictions had been added to it. He contended that the Court of Quarter Sessions was totally unfitted for trying cases of divorce, and he appealed to noble Lords who might have lately returned from presiding over those Courts, whether their own experience and observation did not lead them to the same conclusion. Here, then, they would have Judges of Assize, Recorders of boroughs, Chairmen of Quarter Sessions, giving decisions which would all help to be law by and by. How was it proposed to bring these decisions under one uniform rule? Why the thing was utterly impossible. The decisions would be given in such direct contradiction to one another, as human ingenuity would never be able to reconcile.

THE EARL OF POWIS concurred in the opinion that it would be most inexpedient to confer this power upon Courts of Quarter Sessions. All who were in the habit of sitting in those Courts, would, he thought, have good ground for complaining if, in addition to the management of the prisons and the county affairs, they had duties of this nature thrust upon them. But, besides that, how could it be expected of them, as a body of unprofessional persons, that they should give decisions which would be satisfactory, without the assistance of members of the bar who had practised in these cases, and possessed a knowledge of this particular branch of the law? In the smaller counties, especially the Welsh, where there was not sufficient business to attract barristers, and the practice was entirely confined to solicitors, the result would be, that the argument of this class of cases would fall exclusively into the hands of attorneys, and their Lordships might easily guess that most of it would be of a description that would not be always in the hands of the most reputable. Then they would have attorneys who lived in little villages raking up cases of this sort; setting the husband against the wife, and using the information they might acquire in confidence to dress up actions for the Quarter Sessions—a local tribunal, with a local Judge and a local jury. What could be worse than to have these cases discussed four times a year before a tribunal which would have the greatest difficulty, from a want of legal knowledge, in excluding improper evidence and arriving at just conclusions, and which would, at the same time, be placed in the position of having the cases argued before them by those who would, very often, be the lowest members of the profession? He did trust, therefore, that their Lordships would not consent to extend this jurisdiction to the Courts of Quarter Sessions.

EARL FORTESCUE readily agreed that jurisdiction in cases of divorce might be given with propriety to the Judges of Assize, in whose learning and ability the public reposed the greatest confidence; but he must say, although he regretted to differ from the majority of the House of Commons, that he could not shut his eyes to the gravity of the objections which had been urged against the still further extension of the jurisdiction to the Court of Quarter Sessions. That Court was not, in his opinion, at all adapted to conduct such inquiries, and he would most earnestly press upon the Government that they should amend the clause as proposed by his noble Friend.

THE DUKE OF SOMERSET agreed that it would be most unwise to extend the jurisdiction to Courts of Quarter Sessions, and expressed a hope that the Government would act upon the advice which had been given them, and omit the words relating to those Courts from the clause.

EARL GRANVILLE said, that, though he thought the case had been rather overstated, yet the Government were not disposed to resist the strong expression of opinion on both sides of the House against this provision, and he would, therefore, consent to the omission of the words relating to the Quarter Sessions.

Amendment *agreed to:* words struck out.

LORD ST. LEONARDS said, he had no objection to leave the clause applicable to the Judges of Assize; but he could not consent to allow the same jurisdiction to be exercised by her Majesty's Counsel and Serjeants-at-law who were named with the Judges in the Commission. He proposed, therefore, to strike out the words relating to Queen's Counsel and Serjeants-at-law.

THE LORD CHANCELLOR said, that the commission of assize went to two of the Judges named for the purpose, and with them were associated all or most of the Queen's Counsel and Serjeants that went on the particular circuit, and those learned persons had, he believed, exactly the same jurisdiction as was given to the Judges; and the only meaning of the proviso to the clause was that in reference to those new duties the Commission should give exactly the same jurisdiction as in ordinary cases. The usual course was to delegate to those persons who had concurrent jurisdiction with the Judges the duty of trying the minor offences and inferior causes. It was possible, certainly, that the Judge might think proper thus to delegate the power of trying a divorce case, but he thought that was extremely unlikely. Undoubtedly he had the power to do so, just, for instance, as any Judge at Liverpool, having a case of the most horrible murder ever known, might delegate it to a Queen's Serjeant or a Queen's Counsel; yet he never did so, and always referred to them the smaller matters. The only reason for the proviso was, that there should be the same security in cases of emergency for having these functionaries to exercise jurisdiction as there was in ordinary cases, in respect of which the Commission would remain unaltered.

LORD ST. LEONARDS said, what he apprehended was that the Judges would not have time to try these cases themselves, but would pass on their circuit, and leave Queen's Counsel or Queen's Serjeants behind to try them; and he drew attention to the wording of the clause (P) added by the Commons, which allowed application for restitution of conjugal rights, or for judicial separation, but omitted to provide for a decree for restitution of conjugal rights in the subsequent part of the clause.

Amendment *negatived;* Commons Amendment *agreed to.*

Upon Clause B, added by the Commons, Lord ST. LEONARDS observed, that this clause was a substitution for two clauses introduced on his Motion, by their Lordships, to provide a security for a wife's earnings when she was deserted by her husband. The main objection to his clauses was, that magistrates would not know what amounted to desertion, but after all that word was retained. He did not think the clause an improvement, and he suggested that the wife should be empowered to recover the specific property as well as double value, and the clause was amended accordingly.

Upon Section 24, which provided for the registration, of the fact of separation ceasing, but was struck out in the other House, Lord ST. LEONARDS said, he found that when the clause was objected to, the learned person who had the care of the Bill exclaimed that it was introduced into this House by Lord ST. LEONARDS; but he begged to disclaim the paternity of it. He had never seen it; it had been introduced by his noble and learned Friend on the woolsack on the Report, and to him the merit of it must be assigned.

Clause 25.

LORD ST. LEONARDS moved to disagree to Amendment ("or of adultery committed in the conjugal residence").

THE DUKE OF ARGYLL recommended their Lordships to adopt the Amendments made in this clause by the Lower House. Not inserting words was quite a different thing from striking them out when once they had been introduced. There was a general feeling in Parliament and in the country against the Scotch law of divorce, which put the woman on the same equality as the man in respect to matters of divorce. He should own that his own predilection was in favour of the Scotch law, though he fully admitted that the social effects of adultery were different in the cases of the respective sexes. It had been found that in Scotland a woman never looked for a divorce on the ground of adultery unless her feelings had been outraged by conduct aggravating the adultery. However, the majority of the House of Commons was of opinion that the case of the man bringing his concubine into his family residence was so gross a one, that justice to the wife required she should have the means of procuring a divorce after so great an indignity having been offered to her, and he should vote for the Amendment.

LORD MONTEAGLE said, he should support the Motion. In cases like these it ought to be the object of the Legislature to guard against collusion, which was, in point of fact, a fraud upon the law. But could they imagine anything more likely to lead to collusion than the proposal of the House of Commons? The proposer of the words under consideration had entirely misunderstood the enactment of the French law which he had attempted to copy. The French law gave a woman a right of divorce in case her husband obtruded his mistress into the house; but as the clause stood a man might bring his concubine home, and the wife would have no remedy, unless she could prove an act of adultery actually committed under her roof. What could be more easy than for the adulterous couple to live together to all intents and purposes in the conjugal residence, and yet evade the law by actually committing elsewhere the offence which would give the wife a remedy? In fact the clause, as it stood, was absolute nonsense. This might not be very Parliamentary language, and might not seem very respectful to those—he did not know who they were—who framed the clause, but he defied any man to construe the words consistently with reason or common sense. It was a dangerous thing to attempt to deal with particular cases, for all those cases which were not enumerated were left untouched. The *State Trials* recorded the case of a Member of that House who, a long time back, became a party to the commission of a rape upon his own wife. A more horrible and disgusting crime could not be imagined; yet even an offence like that would not entitle the wife to a divorce as this clause was now worded. He conceived that the words which the noble and learned Lord proposed to omit were wholly unnecessary, and he would therefore support the Amendment.

Lord REDESDALE thought such special provisions as that to which his noble and learned Friend objected only served to point out the modes in which grounds for divorces might be laid, and he would vote for the Amendment. He wished also to point out that a divorce might be granted on an allegation of rape, and a jury might afterwards decide that the offence had not been committed.

The Earl of HARROWBY admitted that it was desirable, if possible, to cover all the cases of divorce by general words, without enumerating particular acts; but, until general words which would apply to all cases could be devised, he thought the clause ought to be retained in its present form.

Lord PORTMAN suggested that the word "convicted" should be substituted for "guilty," so that the clause would run "if the husband has been convicted of incestuous adultery," &c.

The Bishop of OXFORD thought it would be advisable to leave out the particular words used in the clause, and to substitute for them such general words as the following:—"Adultery accompanied in the judgment of the Court with disgraceful aggravation."

On Question, whether to agree? their Lordships divided.

Contents 27; Not-contents 44: Majority 17.

Amendment *disagreed to.*

CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Wellington, D.

Townshend, M.

Ducie, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Portsmouth, E.
Suffolk & Berkshire, E.

Hutchinson, V. (*E. Donoughmore.*)
Sydney, V. [*Teller.*]

London, Bp.

Camoys, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
Denman, L.
Foley, L. [*Teller.*]
Howden, L.
Hunsdon L. (*V. Falkland.*)
Panmure, L.
Rivers, L.
Stanley of Alderley, L.
Strafford L. (*V. Enfield.*)
Sundridge, L. (*D. Argyll.*)
Wycombe, L. (*E. Shelburne.*

NOT-CONTENTS.

Norfolk, D.
Somerset, D.

Bath, M. [*Teller.*]
Salisbury, M.
Winchester, M.

Amherst, E.
Buckinghamshire, E.
Carnarvon, E.
Cottenham, E.
Dartmouth, E.
De La Warr, E.
Hardwicke, E.
Harrington, E.
Nelson, E.
Powis, E.
Romney, E.
Shaftesbury, E.
Talbot, E.
Verulam, E.

Dungannon, V.

Chichester, Bp.
Lincoln, Bp.
Rochester, Bp.
Bayning, L.
Berners, L.
Boston, L.
Boyle, L. (*E. Cork and Orrery.*)
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Churchill, L.
De Mauley, L.
Monteagle of Brandon, L.
Petre, L.
Polwarth, L.
Portman, L.
Rayleigh, L.
Redesdale, L.
Sheffield, L. (*E. Sheffield.*)
Southampton, L.
Saint Leonards, L.
Tenterden, L.
Truro, L.
Walsingham, L.
Wynford, L. [*Teller.*]

Lord ST. LEONARDS then moved to disagree to Amendment ("or of Rape, &c.")

The LORD CHANCELLOR said, that those words were undoubtedly words which were revolting to utter, but at the same time he thought the Bill more perfect with them than without them. When the Bill was discussed in their Lordships' House it was said that these cases were so extremely rare that when they occurred the injured wife might be left to her remedy by applying for a special Act of Parliament. Nevertheless, he thought that when the other House inserted the words to remove what it deemed a blot in the Bill their Lordships would not do right to reject the Commons' Amendment. With regard to the word "guilty," that would mean convicted. ["No, no!] If not, why did their Lordships send the Bill down to the other House with the expression "guilty" of bigamy in it? The same meaning attached to the word "guilty," whether in the expression "guilty "of rape or in that of "guilty" of bigamy.

LORD REDESDALE said, the question of the person's guilt would have to be inquired into and decided upon by the Court.

LORD DENMAN conceived that the word "convicted" ought to be inserted.

On Question, whether to agree?

Contents 45; Not-Contents 29: Majority 16.

Commons Amendment *agreed to.*

CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Somerset, D.
Wellington, D.

Lansdowne, M.
Townshend, M.

Amherst, E.
Clarendon, E.
Ducie, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Portsmouth, E.
Powis, E.
Romney, E.
Shaftesbury, E.
Suffolk and Berkshire, E.
Verulam, E.

Dungannon, V.
Hutchinson, V. (*E. Donoughmore.*)
Sydney, V. [*Teller.*]

Chichester, Bp.
Lincoln, Bp.
London, Bp.
Oxford, Bp.
Salisbury, Bp.

Boyle, L. (*E. Cork and Orrery.*)
Camoys, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
Denman, L.
Foley, L. [*Teller.*]
Glenelg, L.
Howden, L.
Hunsdon, L. (*V. Falkland.*)
Overstone, L.
Panmure, L.
Portman, L.
Rivers, L.
Stanley of Alderley, L.
Strafford, L. (*V. Enfield.*)
Sundridge, L. (*D. Argyll.*)
Truro, L.
Wycombe, L. (*E. Shelburne.*)

NOT-CONTENTS.

Norfolk, D.

Bath, M. [*Teller.*]
Salisbury, M.

Buckinghamshire, E.
Carnarvon, E.
Dartmouth, E.
De La Warr, E.
Hardwicke, E.
Harrington, E.
Nelson, E. [*Teller.*]
Talbot, E.

Rochester, Bp.

Bagot, L.
Bayning, L.

Berners, L.
Boston, L.
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Churchill, L.
Congleton, L.
Monteagle of Brandon, L.
Petre, L.
Rayleigh, L.
Redesdale, L.
Southampton, L.
Saint Leonards, L.
Tenterden, L.
Walsingham, L.
Wynford, L.

LORD WYNFORD then called attention to the proviso defining what was to be considered bigamy, and complained that it was an inadequate definition.

THE EARL OF DONOUGHMORE added that from the wording of the proviso it was impossible to draw a distinction between bigamy and adultery.

THE LORD CHANCELLOR explained that if a man already married went through the marriage ceremony with another woman abroad, his offence would only be that of adultery. He could not be indicted for bigamy, inasmuch as he could not be said to have acted against the Queen's peace.

Proviso *agreed to.*

Clause 27 *agreed to.*

Clause 28.

THE BISHOP OF OXFORD stated that, when the Bill went down to the other House it provided that no man should be entitled to a divorce who was himself guilty of adultery. The Commons had struck out that provision, and he now moved that it be restored to its original form.

Moved, to reinstate ("guilty of adultery, or has been") struck out by the Commons.

Earl GRANVILLE, the LORD CHANCELLOR, and LORD ST. LEONARDS said a few words in explanation.

On Question, Whether to agree to Commons' Amendment?

Their Lordships *divided:*—Contents 39; Non-Contents 35: Majority 4.

Commons' Amendment *agreed to.*

CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Somerset, D.
Wellington, D.

Lansdowne, M.
Townshend, M.

Clarendon, E.
Ducie, E.
Fortescue, E.
Granville, E.
Harrington, E.
Harrowby, E.
Portsmouth, E.
Shaftesbury, E.
Suffolk and Berkshire, E.
Sydney, V. [*Teller.*]

London, Bp.

Boyle, L. (*E. Cork and Orrery.*)
Camoys, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
Denman, L.
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)

Howden, L.
Hunsdon, L. (*V. Falkland.*)
Overstone, L.
Panmure, L.
Portman, L.
Rivers, L.
Sheffield, L. (*E. Sheffield.*)
Stanley of Alderley, L.
Strafford, L. (*V. Enfield.*)
Sundridge, L. (*D. Argyll.*)
Truro, L.
Wycombe, L. (*E. Shelburne.*)

NOT-CONTENTS.

Norfolk, D.

Bath, M. [*Teller.*]
Salisbury, M.
Winchester, M.

Amherst, E.
Buckinghamshire, E.
Carnarvon, E.
Cottenham, E.
Dartmouth, E.
De La Warr, E.
Hardwicke, E.
Nelson, E. [*Teller.*]
Powis, E.
Romney, E.
Talbot, E.
Verulam, E.

Dungannon, V.

Chichester, Bp.
Lincoln, Bp.
Oxford, Bp.
Rochester, Bp.
Salisbury, Bp.

Bagot, L.
Bayning, L.
Berners, L.
Boston, L.
Petre, L.
Polwarth, L.
Rayleigh, L.
Redesdale, L.
Southampton, L.
Saint Leonards, L.
Tenterden, L.
Walsingham, L.
Wynford, L.

Upon Clause (F) added by the Commons, giving to the husband power to claim damages from the adulterer.

Lord ST. LEONARDS moved the rejection of the clause altogether, its effect being, his Lordship said, practically to maintain the action of *crim. con.*

The LORD CHANCELLOR said, that no doubt the Commons had decided adversely to the views adopted by their Lordships respecting the propriety of maintaining an action for damages. There was, however, a division of opinion even in this House on the subject, many high authorities insisting that the action ought to be retained. He confessed that he had been very much struck with the argument of his noble and learned Friend (Lord Wensleydale), that there were cases in which great pecuniary loss resulted to the husband from the seduction of his wife; the very fact that large damages were now given in these cases afforded a strong ground for concluding that the country thought this sort of action not an improper proceeding. Considering the difference of opinion existing on the subject, he had no hesitation in moving their Lordships to agree to this clause.

Lord ST. LEONARDS regarded the clause as virtually inconsistent with the subsequent one, which abolished the old action for *crim. con.*

The Duke of ARGYLL observed, that their Lordships had adopted the principle of inflicting a fine upon the adulterer, making this some substitute for the action at present maintainable. The substitute, however, provided by the House of Commons in this clause was very much superior. There existed a great distinction between the old action for *crim. con.* and that now proposed. The old action was compulsory; it formed the only door to a divorce *a vinculo.* But in future, except in cases of great pecuniary loss, the action for damages on the part of the husband would probably be considered disreputable, and would never be resorted to.

Viscount DUNGANNON opposed the clause.

Earl GRANVILLE pointed out that, while, under the old system, the only means of getting a divorce was, by applying for a certain sum of money to be adjudged to a husband as compensation for the loss he had sustained, the action at present provided was not compulsory, and the sum to be assessed was paid to the Court, the Court distributing it as it thought fit. That cases occurred in which an action for damages might properly be brought, could hardly be disputed. He might cite a case, not altogether an imaginary one, in which a professional man, in the reciept of £400 a year, married a wife with an income of £1,200 a year. There was a family from this marriage, of six daughters, and then the wife left her husband, taking her fortune with her, and he had to maintain the family upon his £400 a year. In such a case, he thought nothing could be more reasonable and more just than that the husband should be enabled to apply for damages; the Court, in its discretion, adjudging him a certain amount, not by way of compensation, but to be applied for the support of his children.

The Bishop of LINCOLN was opposed to the Commons' Amendment, which restored the objectionable action for *crim. con.*, although power was given to the wife to appear in Court, and to defend her character if she could. He should not, however, object to the clause standing, upon the condition that the 31st clause should stand as it was originally framed.

Lord DENMAN was understood to support the provision empowering the wife to appear and defend herself in Court.

The Earl of DONOUGHMORE said, actions of *crim. con.* were frequently brought for the purpose of extorting money. They were disgraceful to the law of England, and he hoped that, as their Lordships had by a large majority agreed that the action of *crim. con.* ought to be abolished, they would not consent to this Amendment of the Commons, which would practically revive it.

LORD REDESDALE thought there was nothing derogatory in a husband bringing an action for *crim. con.* when it was the law that no divorce should be allowed to him unless he had first succeeded in an action of *crim. con.* against the adulterer; but now that the Legislature was about to enact that a divorce might be obtained without the preliminary step of an action of *crim. con.* there could be no reason for bringing such actions, except that of a desire to make a pecuniary gain by a wife's guilt, and the Commons' Amendment would hold out an encouragement to seek damages for adultery.

THE BISHOP OF OXFORD denied that this Amendment resembled one of the Amendments which he had asked their Lordships to adopt—(a clause imposing a fine). The noble Duke who said that it was, could hardly have read it. He quite agreed with the noble Duke that there would be an advantage in enabling the Court to prevent serious pecuniary damage to the man by the adultery of his wife; but this Amendment was a very different affair from that, because it enacted that the action to be brought should be tried on the same principles as those on which the action of *crim. con.* was tried. And what were those principles? The taking of evidence as to that which closely touched the moral and family relation between the parties. If you could show that they had lived together and that the husband was blameless, then you gave damages in order to satisfy the husband for the loss of his wife's company. But nothing was said as to the husband being satisfied for a certain amount of property which the wife might carry off from him. As the noble Lord who had just spoken had truly said, there could now be no reason for a husband asking for compensation for the adultery of his wife as a preliminary to his obtaining a divorce. He wished they had that night the eloquence of that noble and learned Lord who, when the Bill was previously debated by their Lordships, denounced from his place upon the opposite side of the House the action of *crim. con.* as a disgrace to the law of England. The Lord Chancellor himself, he believed, on that occasion said that every dying thing of notoriety should have its funeral oration, and he trusted that that was the funeral oration of that great disgrace of England's law—the action of *crim. con.*; and yet their Lordships were now, without the shadow of an excuse, about to revive that shameful action under circumstances of new aggravation.

THE EARL OF HARROWBY called the right rev. Prelate's attention to the latter part of the clause, which provided that the Court should have power to direct in what manner the damages should be applied, and to order that the whole or any part thereof should be settled for the benefit of the children, or as a provision for the maintenance of the wife. This provision contained a security against abuse which did not exist under the present law. A man wishing to make merchandise of his wife's honour could now bring his action of *crim. con.* and pocket the whole of the damages; whereas, under this clause, the Court could settle the money upon his children. It must, however, be admitted that had their Lordships been dealing with this question originally, the clause might have been drawn up in a less objectional form.

On Question, whether to agree? their Lordships *divided*:—

Contents, Present	32	
Proxies	45	
		—77
Not Contents, present	40	
Proxies	27	
		—67
Majority		10

Amendment *agreed to.*

CONTENTS.

(PRESENT.)

Cranworth, L. (*L. Chancellor.*)
Wellington, D.
Lansdowne, M.
Townshend, M.
Clarendon, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Suffolk and Berkshire, E.
Sydney, V. [*Teller.*]
Chichester, Bp.
London, Bp.
Rochester, Bp.
Camoys, L.
Clandeboye, L. (*L. Dufferin and Claneboye*).

Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
Denman, L.
Foley, [*Teller.*]
Glenelg, L.
Howden, L.
Hunsdon, (*V. Falkland.*)
Overstone, L.
Panmure, L.
Portman, L.
Rivers, L.
Stanley of Alderley, L.
Stafford, L. (*V. Enfield.*)
Sundridge, L. (*D. Argyll.*)
Truro, L.
Wycombe, L. (*E. Shelburne.*)

(Proxies).

Devonshire, D.
Grafton, D.
Sutherland, D.

Anglesey, M.
Bristol, M.

Airlie, E.
Burlington, E.
Camperdown, E.
Carlisle, E.
Cowper, E.
Craven, E.
Gainsborough, E.
Leicester, E.
Minto, E.
Morley, E.
Radnor, E.
Spencer, E.
Strafford, E.
Zetland, E.

Eversley, V.
Leinster, V. (*D. Leinster.*)

Lichfield, Bp.
Worcester, Bp.

Ashburton, L.
Aveland, L.
Broughton, L.
De Tabley, L.
Dorchester, L.
Fitzgibbon, L. (*E. Clare.*)
Godolphin, L.
Hatherton, L.
Kilmarnock, L. (*E. Erroll.*)
Leigh, L.
Meldrum, L. (*M. Huntly.*)
Methuen, L.
Monson, L.
Poltimore, L.
Ponsonby, L. (*E. Bessborough.*)
Rossie, L. (*L. Kinnaird.*)
Sudeley, L.
Suffield, L.
Talbot de Malahide, L.
Vernon, L.
Ward, L.
Worlingham, L. (*E. Gosford.*)

NOT-CONTENTS.

(Present).

Norfolk, D.

Bath, M. [*Teller*)
Salisbury, M.
Winchester, M.

Amherst, E.
Buckinghamshire, E.
Carnarvon, E.
Cottenham, E.
Dartmouth, E.
De La Warr, E.
Hardwicke, E.
Harrington, E.
Nelson, E. [*Teller.*]
Powis, E.
Romney, E.
Talbot, E.
Verulam, E.

Dungannon, V.
Hutchinson, V. (*E. Donoughmore.*)

Lincoln, Bp.

Oxford, Bp.
Salisbury, Bp.

Bagot, L.
Bayning, L.
Berners, L.
Boston, L.
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Churchill, L.
De Mauley, L.
Granard, L. (*E. Granard.*)
Petre, L.
Polwarth, L.
Rayleigh, L.
Redesdale, L.
Sheffield, L. (*E. Sheffield.*)
Saint Leonards, L.
Tenterden, L.
Walsingham, L.
Wynford, L.

(Proxies).

Ailsa, M.
Cholmondeley, M.

Aylesford, E.
Beverley, E.
Ferrers, E.
Guilford, E.
Hillsborough, E. (*M. Downshire.*)
Macclesfield, E.
Onslow, E.
Orford, E.
Poulett, E.
Stamford and Warrington, E.
Wicklow, E.

Lifford, V.
Maynard, V.

Bangor, Bp.
Durham, Bp.
Exeter, Bp.
St. Asaph, Bp.
St. David's, Bp.

Braybrooke, L.
Dunsandle and Clanconal, L.
Kilmaine, L.
Sandys, L.
Sinclair, L.
Stourton, L.
Wemyss, L. (*E. Wemyss.*)

Lord ST. LEONARDS said, in reference to the division which had just taken place, that he had never been more surprised than when he found that Her Majesty's Ministers had determined to call in the aid of proxies to support them in carrying it to a successful issue. To adopt such a course was, he contended, to act in violation of a compact which was understood to have existed between both sides of the House. Their Lordships, in considering the Amendments which had been introduced into the Bill in the other House of Parliament, were proceeding as it were in Committee, examining those Amendments clause by clause; and under those circumstances to resort to the use of proxies appeared to him to be a complete departure from that spirit of fair play in accordance with which the business of that House ought to be conducted. The clause upon which they had just divided, for instance, was one which was altogether new to their Lordships, and one, therefore, with respect to which those noble Lords who were absent, and upon whose behalf proxies had been delivered in, could not have formed an opinion; by which those who were present and who had had the advantage of hearing its provisions discussed, were overruled by the proxies of the absent Peers. He upon those grounds begged to protest against the course which the Government had deemed it right to pursue, and he felt assured that the country would look with equal disfavour upon their proceedings that evening. [A gesture of surprise from Earl Granville.] He did not quite understand what the noble Earl meant by holding up his hands in that manner. He should nevertheless adhere to the statement which he had made, while he could not refrain from remarking, in conclusion, that it would be more becoming upon the part of the representative of the Government in that House to display a somewhat greater degree of gravity than the noble Earl seemed to think he was called upon to exhibit.

Earl GRANVILLE said, he was not a little astonished to find that the noble and learned Lord had thought proper to express surprise at the course which the Government had taken, to attribute to them unfairness, to accuse him of a want of due gravity, and even to condescend to mimic the gesture which he had used. It was not, however, the first time he had heard complaints made upon the part of a minority in that House against proxies being called. He had even this very Session heard similar complaints made, and he recollected that upon the occasion to which he referred the noble Earl who was the leader of the Opposition in that House had administered to a noble Lord who urged those complaints the soundest dressing he had ever listened to. The noble and learned Lord was clearly wrong in supposing that their Lordships were in Committee [Lord St. LEONARDS: Ho! ho! I said no such thing. What I did say was, we were, as it were, that is, like as in Committee], or that the rules applicable to their proceedings when in Committee were those by which in considering the Amendments made in a Bill by the other House of Parliament they ought to abide. The noble and learned Lord had himself during the evening proposed certain Amendments, which he had consented to without using the power which he possessed of rejecting them by the use of proxies; but upon a question with regard to which he believed the opinion of the Government to be a sound one, and more especially a question which would have endangered the Bill itself in another place, if he had abstained from calling proxies he should have felt himself guilty of a dereliction of duty.

THE MARQUESS OF BATH complained of the course which had been adopted by the Government, as being a most unusual one. It had generally been the practice to inform those noble Lords who conducted the divisions on either side of the House of an intention to call proxies, but he had only heard that very morning that proxies would be used. Another complaint which he had to make against the Government was, that the proxies which they had used against the clause, had been originally given to them in order to support it.

Commons' Amendment *agreed to.*

Clause 53, which exempted the clergy from performing the marriage ceremony over persons divorced on the ground of adultery.

LORD ST. LEONARDS proposed the insertion of words the effect of which would be to confine the exemption to persons in holy orders at the time of the passing of the Act. The provisions of this Bill were to last for all time, but only the present clergy could claim the exemption from the general law. The proviso required amending besides, for it provided for the security of the clergy from any penalty for solemnizing or refusing to solemnize the marriages in question. Now the word solemnizing should clearly be omitted, for a clergyman would be subject to no penalty, &c., for solemnizing such marriages.

THE BISHOP OF SALISBURY said, that the noble and learned Lord (Lord St. Leonards) had in the early part of the discussion declared that he had very strong objections to placing any class of Her Majesty's subjects above the law of the land. He (the Bishop of Salisbury) entirely agreed with such an objection, when stated in such general terms, but he thought that in the present case a sufficient answer to the objection of the noble and learned Lord would be, that no question was raised whether the clergy should be placed above the law, but whether the legislature should secure the clergy against the consequences of certain provisions of a law still under the consideration of Parliament. It was not, however, to meet this objection of the noble and learned Lord that he (the Bishop of Salisbury) rose to address their Lordships, but to state to their Lordships the difficulties he felt with regard to the measure of relief which was provided for the consciences of the clergy in the clauses which were now under discussion. He (the Bishop of Salisbury) shared the strong feelings, which he believed had been expressed in another place by the first Minister of the Crown, against giving such consideration, as was contemplated by the clauses of the Bill, to any sense of moral repugnance, which the clergy might entertain, to celebrate such marriages. He (the Bishop of Salisbury) thought that if it were established that according to the law of God persons whose marriage had been dissolved might be remarried, no mere moral repugnance should be sufficient to justify a clergyman in refusing to perform the marriage ceremony. Take for example the case of a person who, although he might have fallen into the grievous sin contemplated by such dissolution, might be a sincere penitent, and might on the Sunday before he went to his church to be married have been admitted by this same clergyman to the Holy Communion. Now, supposing that "a divorce *a vinculo*" was sanctioned by the Law of God as expressed in the Law and Services of the Church, surely such a case as the one he (the Bishop of Salisbury) had mentioned, would show that no such general plea of moral repugnance ought to be allowed the clergy. It was indeed helping them to place a yoke on the laity which the laity could not be expected to bear. Another objection to the relief that was offered to the clergy was this—it was clogged with a condition which could introduce nothing but confusion into our parishes. A law which would enable clergymen to go through the length and breadth of dioceses performing marriages which their brethren had refused to solemnize, would most certainly increase divisions in the Church. The clergy did, indeed, ask for a fair and equitable protection against a grievance they feared they were about to suffer; but this grievance was of a different nature from that which the other House of Parliament had dealt with, and so the relief offered was not that which he (the Bishop of Salisbury) hoped their Lordships would still provide. The real question was this—the clergy were ministers of a branch of the Church of Christ, the law of which was that marriage was indissoluble. That law had been expressed in the canons and services of the Church, and he asked how was it possible for any person who believed that the Church of England was a true exponent of the law of Christ, to solemnize marriages between persons who had either of them been previously married, and whose marriage was not yet dissolved by death. He admitted that it might be right for the Legislature to make a law exempting their fellow-citizens from the law of the Church, but in doing that they ought in no way to prevent the Church from carrying out her own laws. That was the real question; that was the relief which the clergy sought. He did not complain that they were making a law for the relief of their fellow-citizens; but he complained that by compelling the clergy to perform these marriages they were forcing their consciences against what they were taught by their Church to believe was the law of Christ. He (the Bishop of Salisbury) had the more hope that this claim of the clergy would be recognised by all fair and reasonable men, from having heard the noble Earl (the Lord President of the Council) state most distinctly, on the occasion of a former debate with regard to the admission of the Jews to Parliament, that no reasonable man thought that Parliament was able to entertain and decide questions of doctrine. He (the Bishop of Salisbury) had carefully noted that just and statesmanlike opinion, and he owned that the clear expression of that opinion by such an authority had caused him to give his vote against the admission of the Jews to Parliament with less confidence than he had entertained before. But the Parliament was now, unless the clause with regard to the clergy was amended, doing that which the Lord President had said it had not the power of doing—it was about to rule what was in the case of marriage the law of the Church of England to which the clergy of the Church of England were bound to submit. Rather than that such should be the position of antagonism in which the State should place itself to the Church, he (the Bishop of Salisbury) would prefer the passing of an enactment that in *all* cases the principle of marriage being a civil contract should be recognised. He was content honestly to accept the change in the relative positions of Church and State which events might make more wide day by day; but he prayed their Lordships not to constrain the clergy to do that which in their souls they believed to be contrary to the law of the Church. There could be no question that the law of the Church of England was, as it had frequently been laid down by Lord Wensleydale in the course of their debates, and as it was expressed in the Office for the Solemnization of Matrimony, that marriage was indissoluble. If they made marriage a civil contract they would give to their fellow countrymen all the relief which they required, and would do nothing oppressive to the consciences of the clergy. The clergy did not ask—they had no right to ask—for any relaxation of the law on the ground that they had a feeling of moral repugnance to these marriages. They asked that they should not be compelled to perform these marriages not on this ground—but on the ground that they were contrary to the law of Christ and of the Church, and in so doing they were, he thought, asking for no more than they had a right to seek, and which, he still trusted, their Lordships would secure to them.

The Bishop of LONDON did not wish to enter into the question as to whether or not marriage was dissoluble by the law of Christ, because it had been deliberately decided by both Houses of Parliament, in more than one division, after hearing all that could be said from that bench, and after reading what had been written upon the subject, that, by the law of Christ, marriage was in their opinion not indissoluble, and, therefore, the law of the land was perfectly justified in continuing to dissolve marriages as they had been dissolved for the last hundred years. At the same time, he must say that he thought the noble and learned Lord who had moved this Amendment had acted upon a misunderstanding of what were the feelings of a large body of the clergy upon this subject. He had no doubt that many clergymen believed, with the right rev. Prelate who spoke last, that marriage was indissoluble by the law of Christ; but putting aside that question altogether, he was convinced that the only ground upon which a great majority of the clergy who had appended their names to the declaration to which such repeated references had been made, wished that an exemption should be granted to them was, that the marriage service was not such a service as they would like to use over persons whose sin alone had put them in the position of being remarried. It was true that in the declaration in question there were certain words which might be understood to mean that marriage was indissoluble, and that such marriages as those contemplated by the Bill were adulterous; but their Lordships well knew that when a large mass of persons came to act together, it was absolutely necessary that they should not scrutinize with a very critical eye the exact phraseology of the declaration to which they might put their names; and he happened to know, as a matter of fact, that many clergymen who had signed the declaration, in the present instance, had done so, not because they agreed with every word of it, but simply because they thought it desirable that the very solemn service which was given in our Book of Common Prayer should not be used with words incongruous to the occasion, in the marriage of persons divorced for adultery. It was on that ground, and on no other, that he should wish the clergy to have the exemption which had been given to them. There were, it was true, other services of the Church which the clergy had a difficulty in using, on account of the circumstances of the persons over whom they were used. If their Lordships were met to consider a question which had to do with the construction of the burial-service, for example, he doubted whether they would frame that service exactly in the terms in which it now stood; and although they were not assembled to construct the marriage service afresh, yet they were now called upon to discuss a law which had reference to that service, and they might, therefore, consider whether it was suitable to be used on certain particular occasions. Therefore, although he and a vast number of the clergy maintained that marriage was not indissoluble by the law of Christ—that adultery was so heinous a crime that, in itself, it destroyed marriage —it was quite consistent for them to wish that they should not be obliged to use all the expressions in the marriage service in the remarriage of persons divorced for adultery. Their Lordships had already, in four divisions, shown their indisposition, considering the great difficulties of the case, to allow the clergy to have an exemption, and the Bill went down to the Lower House without any such Amendment. Surely, the clergy ought, if they were anxious for this exemption, to be very thankful that they had got any exemption at all from the House of Commons, for it was generally believed that their feelings were more respected by their Lordships than by the other branch of the Legislature. For his own part, if he were asked for his opinion, he would advise the clergy to accept the compromise which the Bill, as it now stood, offered to them. If the Bill were to be thrown over for three or six months, and another Session were to be, he would not say wasted, but misspent in discussions of a kind by no means calculated to promote public morality, he was afraid their claims would not be so readily acknowledged as they had been. To allow a clergyman to go into another man's parish and to celebrate marriage, was, undoubtedly, something new; but so was the exemption, for the clergy had hitherto been obliged to remarry divorced persons. Moreover, he did not think it was very likely that parties would be so glad to make a parade of their sin as to go to their clergyman and request to be married in his parish church, and it was extremely unlikely that, in the event of his refusing to officiate himself they would seek to bring in another to officiate for him. He believed that the provision with respect to the parish church had been introduced, not with any idea that it would ever be practically useful, but because of certain strong language used by the friends of the clergy in both Houses, which had created an impression in the minds of the laity that the clergy wanted to domineer over them. The House of Commons wished to have the principle recognized that the parish churches belonged to the laity as well as to the clergy; and, when they were making a great, and he thought a just, concession to a proper feeling on the part of the clergy, to be able to point to something which showed that they were determined not to be domineered over. His advice, therefore, to the clergy was, that they should receive the exemption with the condition which had been annexed to it.

VISCOUNT DUNGANNON said, he had heard with much surprise and regret the observations of the right rev. Prelate. He maintained that the Bill inflicted pains and penalties on the clergy for acting according to their conscience. It was a direct insult to a clergyman to empower another clergyman to go into his church and celebrate a marriage which he had conscientiously objected to in the face of his parishioners. But no right-minded clergyman would perform such an act under such circumstances, and so far, the Bill would be nugatory or worse. As regarded the Amendment of the noble and learned Lord, he (Viscount Dungannon) could not understand why clergymen not yet in holy orders, should not entertain conscientious scruples as well as those "now in holy orders." Why should they, therefore, be excepted from the Bill? The claim was caculated to open wide the gates of schism and distrust in the Church, and to lay the foundation of want of confidence among the clergy. He should therefore move that the latter part of the clause be struck out. The whole Bill was highly objectionable as injuriously affecting the domestic habits and the social and moral order of the community; and he was altogether opposed to it, upon a conscientious conviction of its unsatisfactory character.

THE BISHOP OF OXFORD said, that the whole principle upon which what he might call the immunity for the clergy was claimed had been misunderstood. It had been argued as if the clergy were asking to be exempted in future from doing something to which all other people were liable; whereas he believed the true state of the case was, the clergy asked that a law should not be made which would subject them to a peculiar infliction, from which all other men were exempt. If he could show that, he hoped the House would pause before deciding upon the question before it. By recent legislation two things had been done. The civil contract of marriage had been sanctioned, in addition to the religious marriage by the clergy, and especial care had been taken that no reproach should rest upon such marriages, but that they should be considered equally as good and honourable as marriages performed in the church. That followed from the adoption of a true standard of civil and religious liberty. Parliament had gone a step further, and had enacted that ministers of all other denominations should perform the religious ceremony of marriage according to their own rites; and in doing that too, they had only followed out the principles of civil and religious liberty. But let the House consider how this new legislation would affect, and affect alone, the clergy of the Established Church. They did not say that a Dissenting minister should be bound to marry a member of his congregation whom he might object to marry upon the ground of having been divorced; but they were going to subject ministers of the Established Church—of their own Church—to an obligation to which no other ministers were subject. The clergy of the Established Church were thus placed at a great disadvantage, and were not allowed to act upon their conscientious views, while Dissenting ministers of all denominations were completely unrestricted. Upon that ground, alone, the clergy had a fair right to complain. Then, again, it had been argued that compliance with the legislation of Parliament was a part of the contract by which the clergy held the national endowments. But a contract always appeared to him (the Bishop of Oxford) to be an agreement which bound two parties to a common result, and which neither of the two parties, without the concurrence of the other, had any right to change. No one could deny that the clause would introduce a new element into the contract between the clergy and the nation, without the assent of the former. Upon that ground also, he thought the clergy had a right to complain. That was an objection which, if he were an advocate of the indissolubility of marriage, he should urge just as strongly as he did at present. There was a particular form of service prescribed by law, which governed the clergy of the Established Church in performing marriages, and they had no power to alter it. If the words of that service were at variance with the facts under which they were called upon to perform the marriage, surely that was another fair ground of objection. In another place, where the clergy were not so much represented as in their Lordships' House, not only those who expressed the feelings of the clergy, but many of those who differed from them, joined, to their honour, in saying that they would not be parties to inflicting upon the clergy of the Established Church an injury which they would not make applicable to the ministers of other denominations. It had been said that a great agitation had been raised, and great efforts had been made, to get signatures to the declaration of the clergy; but so far from that being the case, 8,000 names were freely appended to it within a fortnight of the time when the clergy began to realize the state of things that was coming upon them, and it showed, in a remarkable degree, the universality and extent of the conviction created in their minds by this measure, for men of all shades of opinion in the national Church—men who never before saw their names standing together to a common declaration or protest—united in subscribing this declaration, feeling that there was being inflicted on their consciences, by this new legislation, that which was galling to them, and to which they could not honestly give their assent. He prayed their Lorships not to believe that the passing of this clause would meet the wishes or feelings of the clergy. He had, that very night, received a letter from a clergyman holding an important position in this diocese, in which he said it had been asserted in the House of Commons that the clergy were satisfied with the so-called compromise of the Attorney General, by which the control of the church and the service celebrated therein were, in effect, taken out of the hands of the incumbent, and by which adulterers were to be enabled to hire any clergyman of the diocese to do that for them which the incumbent of the parish refused to do; that he had the charge of a parish containing 50,000 souls, and that no earthly consideration would ever induce him to open his church to be desecrated by the celebration of the marriage service in such circumstances; that the clergymen of the two parishes adjoining his had made a similar declaration, and he added that no time had been given to enable the clergy to make their sentiments known on the subject. He agreed with the writer of this letter, that the clergy had not had an opportunity of making known their views upon this question. He begged also to say that he thought this was one of those cases in which it would be highly improper if the opinions of noble Lords present were overruled by the use of proxies. Proxies were given to be used by the Government, or by others who held them, when broad general questions of constitutional principle were involved, or great leading questions with regard to which those who gave them had distinctly and clearly made up their minds, and held views in unison with those to whom their proxies were committed; but they were not applicable in cases like the present, when the variations of opinion arose in the course of debate, and when the point at issue were not of that broad character that admitted of no doubt as to how a person would vote if he were present. Proxies were excluded in Committee for this very reason, and he might state that a right rev. Brother was that night very much puzzled how to act with a proxy, just because he was uncertain how the rev. Brother, for whom he held it, would have acted had he been present. He trusted, therefore, that whatever decision their Lordships arrived at on this question, there would be no attempt made to overrule the decision of those present by the proxies of members who were absent. He would rather that no immunity was given to the clergy than that these two clauses should stand as they now did. He implored their Lordships to strike out the immunity to the clergy altogether, and leave them to act as their consciences would make them act, rather than give effect to a measure which would only introduce confusion and mischief. He asked them to leave the marriage of divorced parties to be performed merely as a civil contract, which they had declared was as honourable as marriage in church, and strike out the whole of that clause which professed to confer a boon upon the clergy. They would observe that the clause did not affect the Bishop; and he avowed before their Lordships that if he knew of one of these hired interlopers coming in the way he was here permitted to do, to enter a church, he would meet him at the door with an inhibition and suspend him from his office. There was nothing in the clause to prevent him so doing. The great principle of the Church of England as regarded the parish church was that the Bishop was guardian of that church; that the parish priest was his representative, and that the services of the church were performed not for the clergy but for the laity. Talk of the clergy domineering over the laity in this nineteenth century! Amid all the liberty of thought and license of action we enjoyed, with the perfect equality of every sect and the free avowal of every opinion, amid all the supremacy of the laity which this implied, for any reasonable man to talk of any one of the clergy domineering over the consciences of the laity seemed to him as preposterous as to talk of their endeavouring to overturn the monarchy, or putting the Crown of England below the mitre. The clergy were connected with particular parishes for the purpose of preventing the coming in of any kind of division; but the beneficent intention of that arrangement would be overruled by the clause now before their Lordships. He begged their Lordships to understand that it would not be the respectable clergy who would take advantage of this proposed Amendment to go into the churches of their reluctant brethren. It was not the respectable neighbouring clergyman that would come in to create the discord. No; it was the wretched skulking man—the shame and reproach of the English ministry—the clergyman living away from his own parish in consequence of debt, and glad to go anywhere for the sake of fees; it was only such a person as this who would go into another parish to sow discord amongst those in whose service the resident clergyman was spending his health and strength. It was to give this licence to any man whom the lowest sense of decency would not prevent from clutching the paltry fee which would fall to him that they proposed to do away with all that was held sacred in reference to the solemnization of the marriage rite. Most earnestly did he beseech their Lordships to refuse their sanction to a provision so calculated to create discord. But if the opponents of the Amendment were to be overruled, let it be by the votes of those who had heard the arguments, and not by means of the votes of noble Lords who were absent. He would ask the Government not to resort to this latter class of votes for the purpose of introducing a new source of division amongst the clergy of the Established Church. The Right Rev. Prelate then moved to omit ("on the ground of his or her adultery.")

On Question, Whether the said words shall stand part of the clause? their Lordships *divided:*—Contents 37; Not-Contents 32: Majority 5.

CONTENTS.

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Townshend, M.

Clarendon, E.
Ducie, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Portsmouth, E.
Shaftesbury, E.
Suffolk and Berkshire, E.

Sydney, V. [*Teller.*]

London Bp.

Boyle, L. (*E. Cork and Orrery.*)
Brodrick, L. (*V. Midleton.*)
Camoys, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
Denman, L.
Foley, L. [*Teller.*]
Glenelg, L.
Granard, L. (*E. Granard.*)
Howden, L.
Hunsdon, L. (*V. Falkland.*)
Monteagle of Brandon, L.
Overstone, L.
Panmure, L.
Portman, L.
Rivers, L.
Sheffield, L. (*E. Sheffield.*)
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Sundridge, L. (*D. Argyll.*)
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Powis, E.
Romney, E.
Talbot, E.

Dungannon, V.
Hutchinson, V. (*E. Donoughmore.*)

Chichester, Bp.
Lincoln, Bp.
Oxford, Bp.
Rochester, Bp.

Bagot, L.
Bayning, L.
Berners, L.
Churchill, L.
De Mauley, L.
Petre, L.
Polwarth, L.
Rayleigh, L.
Redesdale, L.
Southampton, L.
Tenterden, L.
Truro, L.
Wynford, L.

Resolved in the *affirmative.*

On Motion, that their Lordships agree with the clause,

The Bishop of OXFORD then moved that their Lordships should disagree to the proviso added to Clause 53 and Clause (G).

The Earl of CARNARVON supported the Amendment of the right rev. Prelate. It was to the astonishment of the House of Commons that the Attorney General had, twenty-four hours after the Government made a concession to the clergy, moved an Amendment which rendered that concession nugatory. He deeply regretted that such a course should have been adopted.

Earl GRANVILLE said, that his noble Friend (the Earl of Carnarvon) was mistaken in his view of the circumstances under which the condition was added to the concession.

LORD REDESDALE believed that no honourable clergyman would undertake a service in another clergyman's church, when the latter was opposed to the performance of that service. Neither did he believe that any respectable couple would present themselves for marriage in the church of a clergyman who could not conscientiously consent to their marriage. He would prefer rejecting the concession altogether to taking it with the condition now annexed to it.

VISCOUNT DUNGANNON thought that the condition annexed to the clause was an outrage to the feelings of the clergy.

On Question, Whether to agree? their Lordships *divided*:—Contents 37; Not-Contents 27: Majority 10.

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Townshend, M.

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Ducie, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Portsmouth, E.
Powis, E.
Shaftesbury, E.
Suffolk and Berkshire, E.

Sydney, V. [*Teller.*]

London, Bp.

Boyle, L. (*E. Cork and Orrery.*)
Camoys, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne*
Denman, L.
Foley, L. [*Teller.*]
Glenelg, L.
Granard, L. (*E. Granard.*)
Hudson, L. (*V. Falkland,*)
Monteagle of Brandon, L.
Overstone, L.
Panmure, L.
Portman, L.
Rayleigh, L.
Rivers, L.
Stanley of Alderley, L.
Strafford, L. (*V. Enfield.*)
Sundridge, L. (*D. Argyll.*)
Wycombe L. (*E. Shelburne.*)

NOT-CONTENTS.

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Carnarvon, E.
Cottenham, E.
Dartmouth, E.
De La Warr, E.
Nelson, E. [*Teller.*]
Romney, E.
Talbot, E.

Dungannon, V.
Hutchinson, V. (*E. Donoughmore.*)

Chichester, Bp.
Lincoln, Bp.
Oxford, Bp.
Rochester, Bp.
Salisbury, Bp.

Bagot, L.
Berners, L.
Calthorpe, L.
Petre, L.
Polwarth, L.
Redesdale, L.
Sheffield, L. (*E. Sheffield.*)
Southampton, L.
Tenterden, L.
Truro, L.

Amendments *agreed to.*

Other Amendments considered and agreed to, and a Committee appointed to prepare reasons to be offered to the Commons for the Lords disagreeing to One of the said Amendments. The Committee to meet *To-morrow* at One o'clock.

In the division on the Amendment moved to disagree to Clause (F), added by the Commons; Proxies being called for, One of the Tellers declined to receive the Proxy of The Lord Worlingham, The Earl of Suffolk and Berkshire who held it having answered from the Bishops' Bench:—

Moved, That the Tellers be directed not to receive the Proxy.

Contents 34; Not-Contents 34.

Whereupon, according to the ancient Rule in the Law, "*Semper presumitur pro Negante,*" it was *Resolved* in the *Negative.*

CONTENTS.

Bath, M. [*Teller.*]
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Winchester, M.

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Buckinghamshire, E.
Carnarvon, E.
Dartmouth, E.
De La Warr, E.
Hardwicke, E.
Nelson, E. [*Teller.*]
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Romney, E.
Talbot, E.
Verulam, E.

Dungannon, V.
Hutchinson, V. (*E. Donoughmore.*)

Chichester, Bp.
Lincoln, Bp.
Oxford, Bp.
Rochester, Bp.
Salisbury, Bp.

Bagot, L.
Bayning, L.
Berners, L.
Boston, L.
Churchill, L.
Polwarth, L.
Rayleigh, L.
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Sheffield, L. (*E. Sheffield.*
Saint Leonards, L.
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NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Norfolk, D.
Wellington, D.

Lansdowne, M.
Townshend, M.

Clarendon, E.
Cottenham, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Suffolk and Berkshire, E.

Sydney, V. [*Teller.*]

Camoys, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
Denham, L.

Foley, L. [*Teller.*]
Glenelg, L.
Granard, L. (*E. Granard.*)
Howden, L.
Hunsdon, L. (*V. Falkland.*)
Overstone, L.
Panmure, L.
Petre, L.
Portman, L.

Rivers, L.

Stanley of Alderley, L.
Stafford, L. (*V. Enfield.*)
Sundridge, L. (*D. Argyll.*)
Truro, L.
Wycombe, L. (*E. Shelburne.*)

House adjourned at half-past One o'clock A.M., till To-morrow, a quarter to Two o'clock.

HOUSE OF COMMONS,

Tuesday, August 24, 1857.

THE EMIGRANT SHIP "ANN WILSON."

QUESTION.

MR. COBBETT said, he would beg to ask Mr. Secretary Labouchere whether he has received any information with regard to an emigrant vessel called the *Ann Wilson,* which sailed from the Port of Liverpool on the 29th day of November last, particularly as regards the alleged over-crowded state of that vessel—the short supply of water, provisions and medical comforts on board—and the fatal effects that ensued; and whether any inquiry has been or will be made into the facts? It appeared that the master of the vessel had been sued directly the ship got to New Zealand, and had absconded, and the question now was, whether, under the law as it now stood, the owners or charterers of the vessel could be held responsible.

MR. LABOUCHERE said, that as yet no official information had reached him from the colony of the circumstances of this case. At the same time, the accounts which had appeared in the newspapers having attracted the attention of the Government, the Emigration Commissioners directed their officers at Liverpool to supply such information upon the subject as was obtainable. Accordingly it turned out that, whereas the ship was measured for 186 adults, it only took out 169. He thought, therefore, that some misapprehension must exist as to the facts of the case, at least as regarded the over-crowding of the vessel. It was also stated that there was a full supply of water on board, as well as an abundance of provisions, and that both had undergone the closest inspection. With regard to what took place in the colony, no doubt, if the facts stated by his hon. and learned Friend should prove true, they would be such as to deserve the closest investigation on the part of the Government. But all he could say at present was, that as soon as the ship reached this country the matter would be fully investigated, and if the owners were to blame, the full penalty would be exacted.

THE GERMAN LEGION AT THE CAPE.

QUESTION.

SIR DE LACY EVANS said, he desired to ask whether the German Legion settlers at the Cape of Good Hope are at present in receipt of full pay as troops embodied, or the rate of pay specified in the Army Estimate for this year; and also, what is the present numerical force of that corps of all ranks?

MR. LABOUCHERE said, he had reason to believe that the Governor of the Cape had thought it right to call out the German settlers there to serve as soldiers, and they were, in consequence, at the present moment in receipt of full pay. But he might be allowed to add a hope, that the circumstance would enable the Governor of the Cape to send much larger reinforcements than he would have otherwise been able to do to the assistance of our troops in India. With regard to the numerical strength of the German Legion he believed that, in round numbers, it numbered about 2,300 men.

COMMITTEES OF SUPPLY.

QUESTION.

SIR DENHAM NORREYS said, he would beg to ask the First Lord of the Treasury whether he proposes to recommend to the House the adoption of all or any of the recommendations of the Committee on proceedings in Committee of Supply?

VISCOUNT PALMERSTON said, that it was impossible to come to any decision in regard to those recommendations at that late period of the Session, but they would be taken into consideration between the present time and the reassembling of Parliament. Whatever might be the decision of the Government on the subject, the Estimates would, of course, be framed in such a manner as to prevent the inconvenience which took place in the last year.

WEST INDIAN AND AUSTRALIAN MAIL COMPANIES.—QUESTION.

MR. JOHN LOCKE said, he would beg in the absence of the hon. Member for Brighton (Mr. Coningham) to ask the hon. Gentleman the Secretary to the Treasury in what manner, if not officially, the Amalgamation of the West Indian and Australian Mail Companies has come before him; also, whether the Chairman of the West Indian Mail Company has not obtained the consent of its shareholders to an amalgamation with the Australian Mail Company, under a more or less positive assurance that the existing Government contracts would be further extended without competition for two years; and whether this is to be considered as a Government guarantee for the sum of £910,000 out of the public purse for services to be performed in the years 1862 and 1863.

Mr. WILSON said, in reply to the first question of the hon. Gentleman, he might be allowed to state that the only communication which he had had with the parties referred to was a personal communication from the Chairman of the two Companies, in which was intimated their desire to carry a certain proposal into effect. And the reply which he (Mr. Wilson) made to that communication—as stated by him on a former occasion—was that if the Companies laid their proposal before the Admiralty in due form, it would next come under the notice of the Treasury, and that, when it did, it should receive every consideration which so important a question deserved. Since, however, he had made that answer, the Treasury had received the proposal of the Companies through the Admiralty; in fact, it was lying there at that moment, but he had not as yet had time to consider its merits. At the same time, let him assure the House that whatever might be done in the matter would be out of regard for the public interests, and not with any regard to the special interests of the Companies concerned. As to what might have taken place with respect to the West Indian Mail Company he was quite uninformed. With regard to the last question of the hon. Gentleman—namely, whether the sum to be paid by the Government during two years amounted to a guarantee of £910,000 to the Companies, while he could not state the exact sum that would have to be paid by the Government, yet, undoubtedly, if the contract were accepted as proposed, whatever its amount was, it would be equal to an undertaking on the part of the Government to pay that sum of money, under certain conditions, for postal services to be performed by the Companies.

COMMUNICATION BETWEEN LONDON AND DUBLIN.

QUESTION.

Mr. CORRY said, he wished to ask the Secretary to the Treasury whether the terms of the contract for improving the communication between London and Dublin has been finally settled; and, if so, whether the contract has been executed? Also, what steps the Government have taken towards providing suitable accommodation and the necessary appliances for the embarkation and landing of mails and passengers at Kingstown and Holyhead.

Mr. WILSON: Sir, I am very glad to be able to inform the right hon. Gentleman and the House that at last this long-pending negotiation has been brought to a close. The conditions of the contract have been signed on the one hand by the Marquess of Chandos, on behalf of the London and North Western Company; by Mr. Stanley, on behalf of the Chester and Holyhead Company; and by Mr. Watson, on the part of the City of Dublin Navigation Company. It only remains, therefore, formally to execute the contract. With regard to the other part of the right hon. Gentleman's question, every means will be taken to accelerate the arrangements at Holyhead and Kingstown, in order that all things may be in a state of completeness by the time the new boats are built.

Mr. CORRY: When does the contract come into execution?

Mr. WILSON: The longest time that can elapse before it comes into execution is two years, but I hope it will come into operation within a shorter period than that. But, considering that four very large vessels will have to be built, and very extensive arrangements to be made, two years was the shortest period which the Government could allow for the completion of the contract.

Sir DENHAM NORREYS: May I ask the hon. Gentleman how many years has the Treasury been occupied with these negotiations?

Mr. WILSON said, that the Act of Parliament which authorised these arrangements was passed two years ago, namely, in the Session of 1855; and within about six weeks from the close of the Session, a Minute was issued by the Treasury, although it was no part of their duty, inviting the various Companies to co-operate with the Post Office in carrying the proposed arrangements into effect. Since that time, therefore, the negotiations had been going on, and he thought that those who knew anything of the complications of the interests involved would not be surprised at the settlement having been so long deferred.

LOSS OF THE "TRANSIT."

QUESTION.

Mr. HENLEY: I wish, Sir, to put a question to the noble Lord at the head of the Government, of which I have not been able to give him notice, namely, whether the Government are in possession of information respecting the loss of the

Transit, other than that which has appeared in the telegraphic despatch.

VISCOUNT PALMERSTON: No, Sir. We have no other information on the subject beyond what the telegraphic message, with some sort of confusion in it, has conveyed.

THE 51st LIGHT INFANTRY.—QUESTION.

MAJOR KNOX said, he wished to inquire whether any answer had yet been given to the Memorial of the 51st Light Infantry, with reference to the field allowances to the Officers and men whilst serving in the Crimea which they had not yet received. Also, whether any steps had been taken in reference to the petition of the Italian Legion?

SIR JOHN RAMSDEN said, he was much obliged to the hon. and gallant Member for calling his attention to the fact that no answer had been given to the Memorial of the 51st Regiment, for he was under the impression that the answer had been sent long ago, but on inquiry he found that it was written and sent, but by some accident, for which he could not account, it was addressed to the Officer commanding the 38th Regiment. He had also made inquiry whether the letter had been since sent on to the Commanding Officer of the 51st, but to that inquiry he had as yet received no answer. If it should turn out that it had not been sent on, no time should be lost in forwarding it. The claims of the Italian Legion had been under consideration, but whether the precise petition, to which the hon. and gallant Member alluded, had been considered, he was unable to say.

TELEGRAPHIC COMMUNICATIONS WITH ALEXANDRIA.—QUESTION.

MR. GRIFFITH: Sir, I beg to ask the noble Lord at the head of the Government whether the Government have thought of making use of the cable that cannot now be employed for the telegraph across the Atlantic for the purpose of telegraphic communication with Alexandria.

VISCOUNT PALMERSTON: Sir, the cable does not belong to the Government, and it cannot become the property of the Government without a Vote from Parliament to purchase it. And it is sufficient for me to say that in the present state of the Session a proposal to that effect could not be made to Parliament.

CONVEYANCE OF TROOPS TO INDIA BY THE OVERLAND ROUTE.—QUESTION.

MR. GRIFFITH: Will the noble Lord allow me to ask him whether the Pasha of Egypt has authorised the transference of British Troops across the Isthmus of Suez, and whether Her Majesty's Government intend to avail themselves of such permission?

VISCOUNT PALMERSTON: No particular communications have as yet passed between the Pasha of Egypt and Her Majesty's Government on the subject. But the House is well aware that during the Crimean war, when it was thought desirable that such a route should be open for our troops, an application was made to the Pasha, and no objection was offered by him to the arrangement; on the contrary, every possible facility was afforded for carrying it into effect. Nevertheless, the passage of our Troops by that route was attended with considerable inconvenience, difficulty, and expense.

KENSINGTON BARRACKS.—QUESTION.

MR. KER said, he would beg to ask the Under Secretary of War, whether there is any intention of removing the Cavalry Barracks at the Kensington Gate of Hyde Park?

SIR JOHN RAMSDEN said, that it was the intention of Government to remove the Cavalry Barracks from Kensington Gate as soon as a proper substitute could be provided for them, and that such a substitute was now in the course of erection.

CORONERS.—QUESTION.

MR. COBBETT said, he had intended to have given notice of a Motion, "That the Minutes of the Evidence taken in 1851 by the Select Committee appointed to consider the state of the law and practice as regards the taking of Inquisitions in cases of Death, and the appointment, duties, and remuneration of the Officers employed therein, be laid before this House." That Committee had not reported, because its labours had been brought suddenly to a close by the termination of the Session, and they recommended that the inquiry should be renewed at some future time. His attention had been attracted to the subject by the recent interference of the Magistrates of Yorkshire with the office of Coroner, which he thought rendered it desirable that the inquiry should be renewed in the ensuing Session. As the evidence taken before the Committee of 1851 was in the library, he had thought it might be convenient that it should be printed. Perhaps, however, the right hon. Gentleman (Sir G. Grey) might be of opinion that it would be better to reappoint the Committee and continue the inquiry, and instead of putting the Motion on the paper, he would ask the right hon. Gentleman whether he would object to the reappointment of the Committee in the ensuing Session?

Sir GEORGE GREY said, he thought it highly desirable that a Committee should be appointed to pursue the inquiriy which the Committee of 1851 had commenced. As the evidence of that Committee was incomplete and *ex parte*, there might be objections to printing it, but it might be laid before the Committee appointed next Session.

RUSSIAN EXPEDITION TO CIRCASSIA. QUESTION.

Viscount RAYNHAM said, he would beg to ask the noble Lord at the head of the Government whether Her Majesty's Government have received any information in confirmation, or otherwise, of a Report, that on the 7th July last the Russian Government, notwithstanding a clause in the Treaty of Paris, had sent a hostile expedition across the Black Sea to the coast of Circassia?

Viscount PALMERSTON said, that his noble Friend must be aware that the effect of the clause to which he had referred in the Treaty of Paris was, that the Black Sea should be neutral, with the exception that Russia and Turkey should be allowed a certain number of vessels for the purpose of police service on the coast. The other powers were to have two vessels each, in order to see that the regulations with regard to the mouths of the Danube were duly observed. Now, the eastern shore of the Black Sea—the coast of Circassia—was ceded to Russia by Turkey by the treaty of Adrianople. The treaty of Adrianople had also ceded to Russia certain ports by name upon the sea coast, including those he was about to mention. The Russians were still engaged in hostilities with the Circassian tribes upon the northern side of that coast, and Her Majesty's Government had heard that some of the cruisers which it was found necessary to maintain in that sea had taken measures to co-operate with the hostilities that were then being carried on against Circassia, and that the Russians were in possession of Ghelendjik, Soukhum Kale, and Redoubt Kale. But there was no reason to apprehend that Russia had taken any steps which would amount to a violation of the stipulations of the Treaty of Paris.

House adjourned at a quarter before Four o'clock.

HOUSE OF LORDS.

Tuesday, August 25, 1857.

Minutes.] Royal Assent.—Consolidated Fund (Appropriation); Customs and Excise; Customs; Court of Session (Scotland); Charitable Trusts Act Continuance; Jurisdiction in Siam; Reformatory Schools; Married Women's Reversionary Interest; Valuation of Lands (Scotland) Act Amendment; Joint Stock Companies; Bankruptcy and Insolvency (Ireland); Episcopal and Capitular Estates Management Act Continuance; Probates and Letters of Administration; Lunatics (Scotland); Boundaries of Burghs Extension (Scotland); Police (Scotland); Smoke Nuisance (Scotland) Abatement; Dunbar Harbour Loan; Metropolitan Police Stations, &c.; Militia Pay; Revising Barristers (Dublin); Mutiny (East India); Parochial Schoolmasters (Scotland) (No. 2); Probates and Letters of Administration (Ireland); Joint Stock Companies Act (1856) Amendment; Burial Acts Amendment; Militia; Sale of Obscene Books, &c. Prevention; Dulwich College; Pimlico Improvements.

PROMOTION IN THE ARMY.

Lord PANMURE: I take this opportunity, before your Lordships adjourn for the recess, to present the Report of the Commission appointed by Her Majesty to inquire into the system of purchase and sale of commissions in the army. The Report has already been presented to the other House of Parliament; and it is on account of the evidence given before the Commission that I am anxious that evidence should be in the hands of your Lordships during the recess. I carefully abstain from making any remarks on the Report, which I shall now lay before your Lordships; but there are some facts with regard to it which I think it right your Lordships should know. Ten Members were originally appointed under the Commission. This Report is signed by six Members, including my noble Friend the Duke of Somerset, the Chairman of the Commission; but one of the six, Sir De Lacy Evans, entered a protest at the end of the Report, and intimated his intention to send, through the Chairman of the Commission, a separate document stating his own opinion. Four other members of the Commission have refused to sign the Report, as they differ from the opinions which it contains; and Mr. Ellice, one of those Commissioners, has intimated to me officially that it is his intention to send in a separate Report in his own name, and also in the names of Sir H. Bentinck and General Wynyard, which will reach me during the recess, and which I shall be prepared to lay upon the table at the commencement of next Session. I may add further, that the other Commissioner—Colonel Wetherall—before the evidence was entirely complete, was called away on active service in China, and is in China at present, discharging military duties. I shall have an opportunity of communicating with him before Parliament meet again, and I dare say I shall be able then to announce his opinion with regard to this very important subject. I thought it necessary to make these remarks, because it is quite clear that, as the Report is signed by only one-half of the Commissioners, it ought not to go forth to the country as a Report unanimously agreed to by the whole of the Commission.

SANITARY STATE OF DUBLIN.—THE RIVER LIFFEY.

LORD **ST. LEONARDS** called the attention of the Government to the state of the River Liffey, which took its course through Dublin from one end to the other. That state was most melancholy—it was during two hours of the tide an absolute sewage. Those who had seen the Liffey higher up knew what a beautiful river it was; but it was melancholy to see it as it was in its course through Dublin—it was a positive sewer. The stench was so great that, when he passed by it, he was obliged to increase his speed to escape from the pestilential air. Now, from the circumstance of its being quayed up on both sides, it offered every facility for a system of intercepting sewage.

LORD **PANMURE** said, that it was deeply to be regretted that not alone in Dublin, but in all our great cities, the streams which seemed to be placed there by Providence for sanitary purposes should be made pestilential rather than wholesome to the inhabitants. He would draw the attention of the Lord Lieutenant to the subject, and he was certain that no one was more disposed to do what he could to remedy the mischief than his noble Friend now at the head of the Government in Ireland.

DIVORCE AND MATRIMONIAL CAUSES BILL.

Message from the Commons,—

That they agree to the Amendments made by this House to the Amendments made by the Commons to the Bill; but propose a consequential Amendment in Clause (E); and do not insist on the Amendment to which the Lords have disagreed.

Said Amendment in Clause (E) *agreed to;* and a Message sent to the Commons to acquaint them therewith.

House Adjourned at half-past Five o'clock, to Friday next, half-past Twelve o'clock.

HOUSE OF COMMONS,

Tuesday, August 25, 1857.

MINUTES.] NEW WRIT FOR MIDDLESEX—*v.* Lord Robert Grosvenor, Manor of Hempholme.

BEVERLEY ELECTION PETITION.

QUESTION.

MR. **CRAUFURD** said, he would beg to ask the hon. and learned Attorney General whether he has yet considered the Evidence reported by the Committee on the Beverley Election Petition, and ordered to be laid before him by the unanimous Resolution of that Committee, and whether it is his intention to take any proceedings thereon?

THE **SOLICITOR GENERAL** in reply said, his hon. and learned Friend the Attorney General had not yet come to any decision on the subject, but the case was under consideration by the Law Officers of the Crown.

ADMIRALTY LIGHT REGULATIONS.

QUESTION.

MR. **BUTT** said, he would beg to ask the First Lord of the Admiralty whether it is intended to act upon the Report of the Committee appointed under the Admiralty Minute of the 5th day of March, 1856, by issuing any Orders altering the present system of Lights for sailing vessels, in accordance with the recommendations of that Report, made to the Admiralty on the 26th day of March, 1856, and presented to the House on the 21st day of July, 1857?

SIR **CHARLES WOOD** said, that the subject was still under consideration by the Admiralty, but as an alteration in the existing Act of Parliament would be necessary to change the present system, no such orders as the hon. and learned Gentleman alluded to had been issued.

THE TROOPS AT THE CAPE.

OBSERVATIONS.

MR. ADDERLEY said, he hoped he might be allowed to put a question to the right hon. Gentleman the Secretary for the Colonies, accompanied by a few explanatory remarks. His question would have reference to the immense accumulation of troops in British pay now at the Cape. It would appear from the answer given yesterday to the hon. and gallant Officer opposite (Sir De Lacy Evans) that the whole of the German Legion had been, from the day of their arrival at the Cape down to the present day, in receipt of full pay, at the expense of the British Treasury, just as if they had been all the time in front of an enemy. According to the understanding with the Governor of the Cape, as explained by the right hon. Gentleman, these Legionaries were not to be put on full pay except in a case of emergency. At the same time they were informed that the colony was in a state of perfect peace—in fact, that, according to the last reports of the Governor, the colony had never been in a more perfect state of quiet, and that there was not the slightest risk of disturbance arising. He thought, therefore, that they ought to be furnished with a little more information upon this subject, and to be told the exact date at which the Legion was put upon full pay, as well as the causes of their being so. They had grumbled and not unjustly —["Order, order!"]. Well, to put himself in order he would move the adjournment of the House. It certainly might be considered a matter of importance that at a moment when the country was being stripped of its natural means of defence the House of Commons should know why so many as fifteen regiments were maintained at the Cape—a force exceeding three times the largest force maintained hitherto even in time of war in the colony. They had grumbled a great deal, and not unjustly, at the mode in which the Legion was disposed of—namely, at a rate exceeding £20 per head—while other branches of their army were dispersed at a rate of £2 per man. However, it was concluded that when the Legion reached the Cape there would be an end of all expense on their account. Nevertheless, from the very day of their arrival they were put on full pay, and they were added to the force maintained in the colony. There were at present stationed there several infantry regiments, the Cape Mounted Rifles, Artillery, and then 2,300 of the German Legion, which was equal to three full regiments. When Sir George Cathcart left the Cape, he said that four regiments were as many as England ought to maintain there even in time of war; and that if the country was put in a proper state of defence before three years elapsed, the four regiments might be dispensed with. Well, then, at the present moment no less than three times the proper complement of troops was maintained at the Cape, but upon what pretext was that done? It was said, indeed, that orders had been sent out for two regiments to be sent on to India. Now he must own that he had very little confidence that any troops would leave the Cape for India, but if there did, that not above one-third of the number that might be sent would be ordered on by the Governor. Why, at the very least, the Governor ought to send on six regiments to India. He (Mr. Adderley) believed, however, that certain ingenious plans of his own with reference to the government of the colony stood in the way of the Governor's forwarding troops to India. Those plans, however, had been previously tried in New Zealand and proved to be utter failures, and he felt sure that the Governor was entirely deceived in his views as to the present disposition of the tribes towards the British Government; but, be his plans what they might, he would ask the House was there not an inconsistency in their at one time granting £40,000 for the civilization of the tribes, and next day granting £200,000 to keep them down with German bayonets. He thought, then, he was asking for very little in saying that before they separated they ought to be told distinctly the date at which the German Legion was put upon full pay, and the cause of their being put upon full pay. He would likewise ask the right hon. Gentleman to state how many regiments had been liberated for service in India in consequence of the embodiment of the German Legion at the Cape.

Motion made and Question proposed, "That this House do now adjourn."

MR. LABOUCHERE said, that he did not complain of the hon. Gentleman asking the question without notice, considering the period of the Session at which they had arrived, but he could not but regret that he should have taken the opportunity of entering into subjects not necessarily connected with it, and should have reiterated statements formerly made by him with respect to the general policy of Sir George Grey in dealing with the native tribes. He (Mr. Labouchere) would not follow the hon. Gentleman's example in that respect, beyond saying that he altogether differed with him in opinion. He believed that the policy Sir George Grey was pursuing at the Cape towards the native tribes would prove as wise and as successful as it was able and energetic. With regard to the German Legion, it had been called out and embodied very soon after its arrival, and Sir George Grey's motives in taking that step were twofold, partly to maintain the discipline and military character of the men themselves, and partly because at the time of their arrival the state of the Cape, with reference to the Kaffirs, was not so tranquil and peaceful as it had since become. He had stated on a previous occasion that as it had turned out, it was extremely fortunate that the German Legion had been sent to the Cape, and were ready on their arrival to take the place of the regular troops, because it enabled Sir George Grey to remove a considerable portion of the latter to India. The hon. Gentleman assumed that the Governor of the Cape would, in breach of his duty, unnecessarily detain troops that were wanted for active service elsewhere. He (Mr. Labouchere) was under no such apprehension. It was true he had not the pleasure of personal acquaintance with Sir George Grey, but he had had occasion to observe his public conduct in very responsible positions for some years past, and had ever found him actuated by a high sense of public duty and great public spirit. He had no doubt, therefore, that he would in the present emergency fully obey the instructions sent to him, and readily afford to the Indian Government all the assistance in his power by sending out any men he could spare, and who were not, in his opinion, absolutely necessary for the protection of the colony for whose safety he was responsible. The first order given to Sir George Grey in reference to sending out troops to India was to send out two regiments immediately. Since then the Government had been made aware that the Governor of Bombay had applied to Sir George Grey for reinforcements. He had not yet heard what answer had been given to that application, but instructions had been sent out, expressing the confidence of the Government that the Governor of the Cape would comply with the request of the Governor of Bombay, as far as it was in his power, and that it was the wish of the Government at home that he should afford as much assistance in sending on troops to India as he could consistently with the safety of the colony. The communication with the Cape was not very regular, and he had not as yet received any report of what Sir George Grey had done in consequence of those instructions and requests, but he had no doubt that he would furnish all the assistance to the Indian authorities in the present emergency that was in his power. It was a most fortunate circumstance, as it appeared to him, that there was this large body of troops collected at the Cape when the outbreak in India occurred, for apart from the opportunity it afforded of detaching a considerable force immediately to the point of danger, it was to that circumstance, he believed, that they had not at this moment to meet a Kaffir war superadded to the mutiny in India. He believed that Sir George Grey was perfectly right in saying that the colony was never more tranquil than it was at the present time, and that state of tranquillity would enable him to afford valuable aid to the Indian Government by sending out immediately a body of most efficient troops. He might mention that a high military authority had lately assured him that a regiment that had served at the Cape was of more value for the Indian service than two regiments sent out from this country in the ordinary course.

Sir DE LACY EVANS remarked, that they had yesterday been informed that these 2,300 German Legionaries had only recently been added to the military forces of the country ; now it appeared that they had been a long time embodied. How was it that the House had not been made acquainted with this addition to the military charges of the country, of which no account appeared in the Estimates ?

Mr. LABOUCHERE said, that the information in the possession of the Colonial Office on the subject was not very precise at first, and it was deemed desirable to have fuller details before laying the matter before Parliament.

Major WORTLEY said, that he would beg to remind the House that about two months ago he had put a question to the noble Lord at the head of the Government with respect to three regiments which had already served at the Cape some years beyond the usual period of service. Well, he was told on that occasion that the state of affairs at the Cape rendered it absolutely necessary that the three regiments in question should be kept at that station beyond the usual period of service. It was now said, however, that excessive tranquillity reigned over everything at the Cape, and that ample reinforcements could be spared thence for India. Well, that being so, he hoped that in the instructions sent out to the Governor orders would be given to forward on to India the 45th, the 91st, and the 73d regiments, all of which had spent some years beyond the usual time at the Cape.

SIR GEORGE GREY said, that it rested with the Commander in Chief, and not with the Governor, to designate the regiments to be sent.

MR. ADDERLEY said, he would ask how many regiments the Government of Bombay had asked for from the Cape?

MR. LABOUCHERE said, the Bombay Government had asked for two regiments, and he believed a large number of horses would be sent from the Cape.

SIR DE LACY EVANS asked, whether the expediency of adding to the Company's European regiments had been taken into consideration?

MR. VERNON SMITH said, that this point had been considered, but at present it was not thought desirable to add to the European regiments of the East India Company.

Motion, by leave, *withdrawn.*

DIVORCE AND MATRIMONIAL CAUSES BILL.

Message from the Lords,—

That they do return the Divorce and Matrimonial Causes Bill, with some of the Commons' Amendments agreed to; some agreed to with Amendments; and one disagreed to; together with their Reasons for disagreeing to the said Amendment.

MR. HENLEY said, it was desirable to know whether the Amendments were to be taken into consideration then or what course the Government meant to take. The Amendments during an interval in which nothing had been done had been carried out of the House and considered by hon. Members outside of the House, and those on the other side knew nothing about them. He was speaking on behalf of the decency of their proceedings. As soon as the Clerk had announced that the Bill had been brought back from the Lords with Amendments, instead of its being moved in the ordinary way that they might be read, there was a pause in the business of the House while the right hon. Gentleman (Sir George Grey) went out of the House to ascertain what the Amendments were. He thought this not a decent mode of conducting the business of the House.

SIR GEORGE GREY said, that the pause in the business of the House was caused by their waiting for the Bill to come down from the other House, and when it came he looked over the Amendments and found that an important Amendment, which was said to have been made by the Lords, was not in; and he accordingly sent to the Clerk of the House of Lords, who stated the announcement of the division in the Lords in the newspapers was wrong. It was stated that by a majority of four, an Amendment that "a single act of adultery on the part of a husband should be a bar to a divorce" was agreed to by the Lords; whereas the majority was the other way, and it was disagreed to. The only Amendments of the slightest consequence which had been made by their Lordships were in the clause which gave a local jurisdiction in matters of divorce to the Court of Quarter Sessions, in that they had made an Amendment, leaving such jurisdiction in the hands only of the Judge of Assize, or a Commissioner appointed by him. The Lords had also disagreed to the Amendment made on the suggestion of the noble Lord the Member for Leicestershire (Lord John Manners) "that adultery by a husband in the conjugal residence" should give a right of divorce to a wife. Those were the only two material alterations made by the Lords; the others being merely formal and verbal.

Ordered,

That the reasons assigned by the Lords for disagreeing to one of the Amendments made by this House to the Divorce and Matrimonial Causes Bill be taken into consideration forthwith. Reasons read.

VISCOUNT PALMERSTON then moved that the House should not insist upon the Amendment, which it had introduced into the Bill giving the Quarter Sessions a local jurisdiction in questions of judicial separation.

MR. HENLEY said, he should offer no objection to the House agreeing to the Lords' Amendment, as it involved no principle. The Government having consented to the establishment of local jurisdictions in matters of divorce, that was just as well provided for by the clause as it was amended by the Lords. He thought the Assizes and the Quarter Sessions both highly unfit tribunals to deal with such questions; and if, as he believed, the plan could not work, the Government would have to make some other arrangement. He was glad, however, that the Quarter Sessions were struck out.

MR. SPOONER inquired, at what times the Commissioner appointed by the Judge of Assize would sit?

SIR GEORGE GREY said, that it was only when the business of the Assizes was pressing that the Judge might appoint a Queen's Counsel or Serjeant whose name was on the Commission to sit for him. He could not sit at other times.

Lords' Amendment *agreed to.*

SIR GEORGE GREY said, that in consequence of the omission of the words "Quarter Sessions," it would be necessary to omit them in another part of the clause which related to fees, the House of Lords having purposely not struck them out in that part of the clause on the ground of the privilege of that House.

Amendment *agreed to.*

Resolved,

"That this House doth agree with the Lords, in the Amendments made by their Lordships to the Amendments made by this House, as far as the Amendment in p. 7, l. 7, with a consequential Amendment in Clause E."

The Amendment of the Lords, striking out the clause giving a right of divorce to the wife on the ground of adultery by the husband in the conjugal residence, was read, together with their reasons for doing so—namely, that the words were indefinite, and would give rise to questions of fact and law, and that the enactment was calculated to lead to collusion.

SIR GEORGE GREY said, he should move that this Amendment be accepted by the House.

MR. HENLEY said, it was of but little use for him to express any opinion on this matter, but he must remind the House that this Amendment was inserted in the Bill with the full concurrence of the Government, and none of the reasons which were now alleged against it were brought then forward by the Government. Undoubtedly the withdrawal of the clause would very much augment the injustice which the Bill inflicted upon women. A profligate man may now seduce his lady's maid, his governess, or any of his domestics, in the conjugal residence; he might, in fact, convert his house into a brothel, and the poor wife would be without any remedy. He could not conceive any state of things more intolerable for a woman than to have a husband living in open adultery with one of his domestics. He was sorry to see the Government departing from the principle which it had set out with, and thus inflicting additional cruelty and insult upon woman. He would not himself press the point to a division; but, certainly, if any other hon. Gentleman should move the rejection of the Lords' Amendment he would accept the opportunity thus afforded him of placing his opinions upon record with reference to this clause.

VISCOUNT PALMERSTON said, that the right hon. Gentleman was mistaken in his recollection when he said that the objections and reasons given by the Lords for striking out the words in question were not stated by the Government when the proposition was discussed, for he (Lord Palmerston) stated the words "adultery in the conjugal residence" might open the door to a good deal of collusion; but at the same time he said, that on the whole, and on the balance of reasons, it did appear to Her Majesty's Government that the Amendment was one to which it was proper to agree. For no one could disguise from himself the fact which the right hon. Gentleman had mentioned, that such a state of things was calculated to outrage the feelings of a wife, and strengthened her claim to a separation. On the other hand, it might be said that such a proceeding was so contrary to the feelings of a man and a gentleman, that public opinion and the opinion of relatives and friends, except in cases of extreme profligacy tended to prevent such a state of things. However, the Government would have been glad to have had the words retained, and were still of opinion that the balance of reasons was in favour of the Amendment, as it stood before it went to the other House. The right hon. Gentleman must however remember that the Motion for striking out the words in the other House was made by a noble Lord connected with the party to which the right hon. Gentleman belonged; it was made by the Opposition and not by the Government; it was resisted by the Government and carried against them on a division by a large majority, 44 being for the omission of the words, and 27 against it. Under these circumstances it appeared to the

Government that it was not likely that the Lords would see any reason to reverse their decision ; and it was not a question of such importance as to justify a conference being held with the other House. He hoped, however, that it would be borne in mind that the omission of the words was not proposed by the Government, but by those who were opposed to the Bill ; that it was resisted by the Government in debate, and carried on a division against the Goverment.

Mr. SPOONER said, he perfectly concurred in everything that had fallen from his right hon. Friend the Member for Oxfordshire (Mr. Henley). The noble Lord at the head of the Government announced that he thought the balance of reasoning was decidedly in favour of the proviso. Well, if that were so, he hoped an opportunity would be allowed to the noble Lord of placing his views on record, and of having the sincerity of his opinions tested. He would like, however, to know whether proxies had been used in the division with regard to this Amendment, and if not, why not? With regard to the Bill itself, he must once for all declare that it completely failed in one great act of justice, namely, in not giving the injured and innocent wife as full, easy and complete a remedy as was offered to the injured and innocent husband. He hoped his right hon. Friend, the Member for Oxfordshire, would divide the House against the Amendment.

Viscount PALMERSTON: The hon. Gentleman has overlooked the fact that I stated in the latter part of my observations the reasons why, notwithstanding the retention of our opinion on this question, we thought it expedient to agree to the Amendment of the Lords.

Mr. CLAY said, that he thought Mr. Henley right in saying that a man living in adultery in the same house with his wife was one of the greatest, if not the greatest, outrages he could commit on his wife. He would remind the House, however, that when the Amendment in question was made in that House, a suggestion was made by the hon. and learned Attorney General that the words should be "habitual adultery," but that was refused by hon. Gentlemen opposite, and the clause was retained as it stood, so that a single act of adultery by a man in his house, perhaps in a moment of intoxication, was sufficient. If, therefore, a hardship on the wife was continued, it was in a great measure the fault of hon. Gentlemen opposite. If it was competent to the House to do so he should be glad to see the Amendment with those words added re-introduced into the Bill, but if the question was between no clause and the clause as it stood, he should prefer it as it stood.

Mr. NEWDEGATE said, if he remembered rightly, the term "habitual adultery" was rejected in that House on account of its indefiniteness. He deeply regretted that the Lords had rejected this proviso ; and now, more than ever, he deeply regretted that a discretionary power to determine with regard to what might be considered "aggravating circumstances" had not been vested in the Court. Indeed he thought it was scarcely yet too late to insert a proviso of the latter description in the Bill.

Sir DENHAM NORREYS remarked, that it would have been monstrous to have allowed a wife to have petitioned for a divorce on the ground of what might be termed an accidental adultery, and to have prohibited her from seeking it for adultery habitually committed in perhaps the next house to her own.

Motion made, and Question put, "That this House doth not insist upon the Amendment at page 7, line 7, to which the Lords have disagreed."

The House *divided:*—Ayes 43; Noes 11; Majority 32.

Resolved,

"That this House doth agree with the Lords in the other Amendments made by their Lordships to the Amendments made by this House to the said Bill, without Amendment.

House adjourned at a quarter before Four o'clock, till Friday.

HOUSE OF LORDS,

Friday, August 28, 1857.

Minutes.] Public Bill.—1ª Charges on Land. Royal Assent, Divorce and Matrimonial Causes.

GALWAY TOWN ADDRESS.—HER MAJESTY'S ANSWER.

The Queen's Answer to Address of both Houses, *reported* by the Captain of the Gentlemen at Arms as follows, namely :—

"I have received the joint address of the Two Houses of Parliament in reference to the Report made by the Select Committee of the House of Commons, appointed to try a petition complaining of an undue Election and Return for the County of the

Town of Galway; and I have given directions accordingly for the appointment of Commissioners for the purpose of making the Inquiry prayed for by the Address."

PROROGATION OF THE PARLIAMENT. SPEECH OF THE LORDS COMMISSIONERS.

The PARLIAMENT was this day prorogued by Commission. The Lords' Commissioners, namely, the ARCHBISHOP of CANTERBURY, the LORD CHANCELLOR (Lord Cranworth), the LORD PRESIDENT of the COUNCIL (Earl Granville), the LORD PRIVY SEAL (the Earl of Harrowby), and LORD PANMURE (Secretary of State for War), being seated at the foot of the Throne; and the COMMONS, preceded by their Speaker, being present the Royal Assent was given to a Bill.

THE LORD CHANCELLOR, on behalf of the LORDS COMMISSIONERS, then *delivered* the following Speech:—

" *My Lords and Gentlemen,*

" WE are commanded by Her Majesty to release you from further attendance in Parliament; and at the same Time to express to you Her Majesty's cordial Acknowledgments for the Zeal and Assiduity with which you have performed your important Duties during a Session which, though shorter than usual, has nevertheless been unusually laborious.

" HER Majesty commands us to express to you Her Satisfaction that the present State of Affairs in *Europe* inspires a well-grounded Confidence in the Continuance of Peace.

" THE Arrangements connected with the full Execution of the Stipulations of the treaty of *Paris* have from various Causes not yet been completed; but Her Majesty trusts that by the earnest Efforts of the contracting Parties to that Treaty all that remains to be done with reference to its Stipulations may ere long be satisfactorily settled.

" HER Majesty commands us to inform you, that the extensive Mutinies which have broken out among the Native Troops of the Army of *Bengal,* followed by serious Disturbances in many Parts of that Presidency, have occasioned to Her Majesty extreme Concern; and the Barbarities which have been inflicted upon many of Her Majesty's Subjects in *India,* and the Sufferings which have been endured, have filled Her Majesty's Heart with the deepest Grief; while the Conduct of many Civil and Military Officers, who have been placed in Circumstances of much Difficulty, and have been exposed to great Danger, has excited Her Majesty's warmest Admiration.

" HER Majesty commands us to inform you, that She will omit no Measure calculated to quell these grave Disorders; and Her Majesty is confident that, with the Blessing of Providence, the powerful Means at Her Disposal will enable Her to accomplish that End.

Gentlemen of the House of Commons,

" HER Majesty commands us to thank you for the liberal Supplies which you have voted for the Service of the present Year, and for the Assurances which you have given Her of your Readiness to afford Her Majesty whatever Support may be necessary for the Restoration of Tranquillity in *India.*

" HER Majesty has been gratified to find that you have been enabled to provide the Amount required to be paid to *Denmark* for the Redemption of the *Sound* Dues, without on that Account adding to the National Debt.

My Lords and Gentlemen,

" HER Majesty commands us to convey to you Her heartfelt acknowledgments for the Provision which you have made for her beloved Daughter, The Princess Royal, on Her approaching Marriage with His Royal Highness Prince *Frederick William* of *Prussia.*

"Her Majesty commands us to inform you, that She has seen with Satisfaction that, although the present Session has been short, you have been able to pass many Acts of great Importance, and to which Her Majesty has given Her cordial Assent.

"The Acts for establishing a more efficient Jurisdiction for the proving of Wills in *England* and *Ireland* correct Defects which have for many Years been complained of.

"The Act for amending the Law relating to Divorce and to Matrimonial Causes will remedy Evils which have long been felt.

"The several Acts for the Punishment of Fraudulent Breaches of Trust;

"For amending the Law relating to Secondary Punishments;

"For amending the Law concerning Joint Stock Banks.

"For consolidating and amending the Law relating to Bankruptcy and Insolvency in *Ireland;*

"For the better Care and Treatment of Pauper Lunatics in *Scotland;*

"For improving the Organization of the County Police in *Scotland;*

"Together with other Acts of less Importance, but likewise tending to the progressive Improvement of the Law, have met with Her Majesty's ready Assent.

"We are commanded by Her Majesty to express to you Her confidence, that, on your Return to your several Counties, you will employ that Influence which so justly belongs to you, to promote the Welfare and Happiness of Her loyal and faithful People; and She prays that the Blessing of Almighty God may attend and prosper your Endeavours.

Then a Commission for Proroguing the Parliament was read.

After which

The LORD CHANCELLOR said:

"My Lords, and Gentlemen,

"By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, Prorogue this Parliament to *Friday* the Sixth day of *November* next, to be then here holden; and this Parliament is accordingly Prorogued to *Friday* the Sixth day of *November* next.

HOUSE OF COMMONS,

Monday, August 1828, 57.

Minute.] New Writ for Tavistock—*v.* The Hon. George Henry Charles Byng, Manor of Northstead.

DECIMAL COINAGE.—QUESTION.

Mr. INGRAM said, he would beg to ask the Chancellor of the Exchequer why the Replies to Lord Overstone's Questions upon the Decimal Coinage, which have been some time in print, are not delivered to this House?

The CHANCELLOR of the EXCHEQUER said, that the Replies to Lord Overstone's Questions upon the Decimal Coinage were being received by the Commissioners appointed to inquire into that subject, and that as soon as the Commissioners reported thereon to the Government they would be laid upon the Table.

INDIAN TELEGRAPH.—QUESTION.

Mr. BRISCOE said, he would beg to ask the noble Viscount the First Lord of the Treasury what arrangements had been entered into by the Government for establishing a telegraphic communication with India *viâ* the Euphrates or the Isthmus of Suez and the Red Sea?

Viscount PALMERSTON: A communication by the Euphrates was undertaken by a private Company with certain contingent engagements, on the part of the Government and the East India Company; but we have heard within the last few days that the Turkish Government has not given permission to lay that line down. That decision may hereafter be reversed, but so it stands at present. With regard to the line by the Isthmus of Suez and down the Red Sea, and so across to Kurrachee, there is a private Company, I believe, that contemplates such an arrangement, and as far as it may be in the power of the Government, without the assistance of Parliament to aid them to make use of that line, we shall be glad to give them all the assistance in our power.

EUROPEAN SUFFERERS IN INDIA.

OBSERVATIONS.

SIR DE LACY EVANS said, he must appeal to the noble Lord at the head of the Government to direct that immediate assistance should be rendered to the widows and orphans of those who had perished in the Bengal mutiny. He would suggest to the noble Lord the propriety of placing means at their disposal to enable them to return to England. That could easily be done by placing the return transports at their disposal.

VISCOUNT PALMERSTON said, he cordially thanked the hon. and gallant Member for his suggestion, which was a really humane one. He was anxious that something should be done, but until the Government obtained more detailed accounts from the Governor General of the condition and wants of those on whose behalf the appeal was made, he did not know how they could act.

MR. MANGLES said, he could assure the House that the Court of Directors of the East India Company had sent out instructions to give all the assistance possible, not only to the civil and military servants of the Company, but all classes in distress.

PROROGATION OF THE PARLIAMENT.

Message to attend the LORDS COMMISSIONERS.

The House went, and the ROYAL ASSENT was given to the Divorce and Matrimonial Causes Bill. And afterwards a Speech of the LORDS COMMISSIONERS was delivered to both Houses by the LORD CHANCELLOR.

Then a Commission for proroguing the Parliament was read.

After which,

The LORD CHANCELLOR said:

"MY LORDS AND GENTLEMEN,

"By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's name, and in obedience to Her Commands, prorogue this Parliament to Friday, the 6th day of November next, to be then here holden; and this Parliament is accordingly prorogued to Friday, the 6th day of November next."

[LIST OF STATUTES.

A TABLE

OF

ALL THE STATUTES

PASSED IN THE FIRST SESSION OF

THE SEVENTEENTH PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND.

20° & 21° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act for the Amendment of the Cinque Ports Act.

II. An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal.

III. An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute, in certain Cases, other Punishment in lieu of Transportation.

IV. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven.

V. An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.

VI. An Act to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in *Ireland*.

VII. An Act to revive and amend certain Acts relating to the Collection of County Cess in *Ireland;* and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 and 20 Vict. c. 36.

VIII. An Act to amend the Act 17 and 18 Vict. c. 11, with a view to the Abolition of Ministers Money in *Ireland*.

IX. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

X. An Act to amend the Charter of Incorporation granted to the Borough of *Hanley* in the County of *Stafford*.

XI. An Act to amend "The Militia (*Ireland*) Act, 1854."

XII. An Act to carry into effect a Convention between Her Majesty and the King of *Denmark*.

XIII. An Act to facilitate the procuring of Sites for Workhouses in certain Cases.

XIV. An Act to amend the Joint Stock Companies Act, 1856.

XV. An Act to amend the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*.

XVI. An Act to discontinue the Toll on the Turnpike Roads now existing in *Ireland*, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto.

XVII. An Act to amend the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-two, so far as relates to the Distribution of the Constabulary Force in *Ireland*.

XVIII. An Act to regulate Procedure in the Bill Chamber in *Scotland*.

XIX. An Act to remove Doubts as to the Law of Bankruptcy and Real Securities in *Scotland*.

XX. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England and Wales*.

XXI. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

XXII. An Act to apply the Public Health Act, 1848, to the Parish of *Aldershot*, and to constitute a Local Board of Health therein.

XXIII. An Act to authorize the Commissioners of Public Works in *Ireland* to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District.

XXIV. An Act to continue certain Turnpike Acts in *Great Britain*.

XXV. An Act to continue the Powers of the Commissioners under an Act of the Seventeenth and Eighteenth Years of Her Majesty, concerning the University of *Oxford* and the College of *St. Mary Winchester*, and further to amend the said Act.

XXVI. An Act to provide for the Registration of Long Leases in *Scotland*, and Assignations thereof.

XXVII. An Act to amend the Acts relating to the *Caledonian* and *Crinan* Canals, and to make further Provision for the Accommodation of the Traffic thereon.

XXVIII. An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in *Scotland.*

XXIX. An Act to render valid certain Marriages in *Christ* Church, *West Hartlepool,* in the Parish of *Stranton* in the County of *Durham.*

XXX. An Act for enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of *Chatham* in the County of *Kent,* and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto.

XXXI. An Act to amend and explain the Inclosure Acts.

XXXII. An Act for the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at *Portland,* and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.

XXXIII. An Act to regulate certain Proceedings in relation to the Election of Representative Peers for *Ireland.*

XXXIV. An Act to explain an Act for the Settlement of the Boundaries between the Provinces of *Canada* and *New Brunswick.*

XXXV. An Act to amend an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen *Victoria,* intituled *An Act to amend the Laws concerning the Burial of the Dead in the Metropolis,* so far as relates to the City of *London* and the Liberties thereof.

XXXVI. An Act to supply an Omission in a Schedule to the Act to amend the Acts relating to County Courts.

XXXVII. An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834.

XXXVIII. An Act to continue the General Board of Health.

XXXIX. An Act to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in *England,* in certain Cases.

XL. An Act to continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in *Ireland;* and to constitute the Constabulary Force Officers of Customs for certain Purposes.

XLI. An Act to revive and continue an Act to amend the Laws relating to Loan Societies.

XLII. An Act to amend "The Burial Grounds *(Scotland)* Act, 1855."

XLIII. An Act to improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace.

XLIV. An Act to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of *Scotland.*

XLV. An Act to make further Provision for defining the Boundaries of certain Denominations of Land in *Ireland* for public Purposes.

XLVI. An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.

XLVII. An Act to enable Ecclesiastical Persons in *Ireland* to grant Building Leases of Glebe Lands in certain Cases.

XLVIII. An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.

XLIX. An Act to amend the Law relating to Banking Companies.

L. An Act to amend the Acts concerning Municipal Corporations in *England.*

LI. An Act to guarantee a Loan for the Service of *New Zealand.*

LII. An Act for discharging Claims of the *New Zealand* Company on the Proceeds of Sales of Waste Lands in *New Zealand.*

LIII. An Act to amend the Act for granting a Representative Constitution to the Colony of *New Zealand.*

LIV. An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property.

LV. An Act to promote the Establishment and Extension of Reformatory Schools in *England.*

LVI. An Act to regulate the Distribution of Business in the Court of Session in *Scotland.*

LVII. An Act to enable Married Women to dispose of Reversionary Interests in Personal Estate.

LVIII. An Act to amend the Act, Seventeenth and Eighteenth of *Victoria,* for the Valuation of Lands in *Scotland.*

LIX. An Act concerning the Parochial Schoolmasters in *Scotland.*

LX. An Act to consolidate and amend the Laws relating to Bankruptcy and Insolvency in *Ireland.*

LXI. An Act for granting certain Duties of Customs and Excise.

LXII. An Act for the Alteration and Amendment of the Laws and Duties of Customs.

LXIII. An Act to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of *Dunbar,* for the Purpose of improving the *Victoria* Harbour of *Dunbar.*

LXIV. An Act for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police.

LXV. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons' Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LXVI. An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating in such Service the payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.

LXVII. An Act to extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in *Pimlico* and in the Neighbourhood of *Buckingham Palace.*

LXVIII. An Act to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of *Dublin.*

LXIX. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament.

LXX. An Act to provide for the Extension of the Boundaries of Burghs in *Scotland*, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as voters for Municipal Purposes.

LXXI. An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in *Scotland*.

LXXII. An Act to render more effectual the Police in Counties and Burghs in *Scotland*.

LXXIII. An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland*.

LXXIV. An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in *England*.

LXXV. An Act to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of *Siam*.

LXXVI. An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.

LXXVII. An Act to amend the Law relating to Probates and Letters of Administration in *England*.

LXXVIII. An Act to amend the Act Seven and Eight *Vict.*, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849."

LXXIX. An Act to amend the Law relating to Probates and Letters of Administration in *Ireland*.

LXXX. An Act to amend "The Joint Stock Companies Act, 1856."

LXXXI. An Act to amend the Burial Acts.

LXXXII. An Act to authorize the Embodying of the Militia.

LXXXIII. An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.

LXXXIV. An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in *Dulwich* in the County of *Surrey*, with certain Alterations.

LXXXV. An Act to amend the Law relating to Divorce and Matrimonial Causes in *England*.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. An Act to enable the *Great Southern and Western* Railway Company to raise a further Sum of Money.

ii. An Act to incorporate a Company for supplying Gas to *Chepstow* and the Neighbourhood.

iii. An Act for granting further Powers to "the Reversionary Interest Society."

iv. An Act to incorporate the Proprietors of the *Guildford* Waterworks; and to confer further Powers for the Supply of Water to the Borough of *Guildford*.

v. An Act to amend "The *Inverness and Nairn* Railway Act, 1854;" to enable the *Inverness and Nairn* Railway Company to create a Preference Stock, and to raise further Sums of Money; and for other Purposes.

vi. An Act for lighting with Gas the Borough of *South Shields* and Neighbourhood thereof in the County of *Durham*.

vii. An Act for more effectually supplying with Gas the Town and Borough of *Sunderland* and the Neighbourhood thereof in the County of *Durham*.

viii. An Act for enabling the *South Devon* Railway Company to raise additional Capital, and for other purposes.

ix. An Act for the Regulation of certain Public Sufferance Wharves in the Port of *London* known as "*Meriton's* Sufferance Wharf" and "*Hagen's* Sufferance Wharf."

x. An Act for Regulating the Capital of the *Bedale and Leyburn* Railway Company, and for other Purposes.

xi. An Act to make further Provision for supplying with Water the City of *Chester* and Suburbs thereof.

xii. An Act to incorporate the *Guildford* Gaslight and Coke Company, and to confer upon them further Powers for the Supply of Gas to *Guildford* and the Vicinity.

xiii. An Act to enable the *Great Western and Brentford* Railway Company to raise additional Capital; and for other Purposes.

xiv. An Act to enable the *Peebles* Railway Company to create additional Shares in their undertaking; and for other Purposes.

xv. An Act for incorporating the *Willenhall* Gas Company, and for other Purposes.

xvi. An Act to authorize the *Saint Helens* Canal and Railway Company to increase and regulate their Capital, and for other Purposes relating to the Company.

xvii. An Act to alter the borrowing Powers of the *Tralee and Killarney* Railway Company.

xviii. An Act for enabling the *Portsmouth* Railway Company to execute certain Works in connexion with their Railway; and for other Purposes.

xix. An Act to enable the *North-eastern* Railway Company to cancel unissued and forfeited Shares, to create new Shares in lieu thereof, and raise authorized Capital; and for other Purposes.

xx. An Act for supplying the Burgh of *Dumbarton* and Places adjacent with Water; for embanking and reclaiming the *Broad Meadow* there; and for extending the Municipal Boundaries of the said Burgh.

xxi. An Act to amend an Act made and passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the several Acts for the Relief and Employment of the Poor of the Parish of* Saint Mary Islington *in the County of* Middlesex; *for lighting and watching and preventing Nuisances and annoyances therein; for amending the Road from* Highgate *through* Maiden Lane, *and several other Roads in the said Parish; and for providing a Chapel of Ease and an additional Burial Ground for the same, and to make more effectual Provisions in lieu thereof;* and for other Purposes.

xxii. An Act to grant further Powers to "The *Brighton, Hove, and Preston* Constant Service Waterworks Company," and to amend the Act relating to the Company.

xxiii. An Act for conferring upon the *Calcutta and South-eastern* Railway Company certain Powers.

xxiv. An Act to extend the time for the compulsory Purchase of Lands for Parts of the *Exeter and Exmouth* Railway.

xxv. An Act for more effectually empowering the *United General* Gaslight Company to light the City of *Cork* and the Suburbs thereof with Gas.

xxvi. An Act to establish Markets and Fairs in the Parish of *Kidsgrove* in the County of *Stafford.*

xxvii. An Act to amend and extend the Provisions of "The *Waterford and Tramore* Railway Act, 1851," to revive and extend their Powers and increase their Capital; and for other Purposes.

xxviii. An Act for constructing and maintaining a Pier at *Great Yarmouth* in the County of *Norfolk*, to be called "The *Great Yarmouth Britannia* Pier."

xxix. An Act to confirm the Incorporation of the Undertaking of the *Dublin and Bray* Railway Company with that of the *Dublin and Wicklow* Railway Company, to dissolve the former Company, and to extend the Railway in the City of *Dublin.*

xxx. An Act for regulating the Markets and Fairs in *Bridgwater;* and for other Purposes.

xxxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Wilmslow and Lawton* Turnpike Road in the County of *Chester.*

xxxii. An Act to enable the *Fraserburgh* Harbour Commissioners to purchase Lands and to borrow a further Sum of Money.

xxxiii. An Act for amalgamating the *Hartlepool* Dock and Railway Company with the *North-eastern* Railway Company, and for vesting the Undertaking of the former Company in that of the latter; and for other Purposes.

xxxiv. An Act to cancel certain forfeited Shares in the *Forth and Clyde Junction* Railway Company, and to enable the Company to create new and additional Shares; and for other Purposes.

xxxv. An Act for enabling the *Glasgow* Gaslight Company to raise a further Sum of Money, and for other Purposes.

xxxvi. An Act for uniting the Offices of Minister and Chaplain of *St. Philip's* Church in *Liverpool.*

xxxvii. An Act for the Improvement of *Landport* and *Southsea*, and the Neighbourhoods, in the Parishes of *Portsmouth* and *Portsea*, in the County of Southampton.

xxxviii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Cardigan* to provide a Market House, and establish and regulate Markets and Fairs; and to regulate the Supply of Water within the Borough; and to pave, light, cleanse, regulate, and improve the Borough; and for other Purposes.

xxxix. An Act to repeal the Provisions of the Acts relating to the Bridge and Ferries across the River *Wear* in the Borough of *Sunderland* and to grant further Powers for the Maintenance and Improvement of such Bridge and Ferries, and the Approaches and Landing Places connected therewith, or for the Erection of a new Bridge in lieu of the existing Bridge across such River.

xl. An Act for making a Railway commencing by a Junction with the *Haggarleazes* Branch of the *Stockton and Darlington* Railway near the *Lands* Colliery in the County of *Durham*, and terminating by a Junction with the *Lancaster and Carlisle* Railway at or near *Tebay* in the County of *Westmoreland;* and for making Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes.

xli. An Act for making a Railway from the *Llantrissant* Station of the *South Wales* Railway to *Penrhiwfer* in the Parish of *Llantrissant* in the County of *Glamorgan*, with Branches to *Glanmychydd* and *Mynydd Gellyrhaidd*, both in the said Parish of *Llantrissant.*

xlii. An Act to enable the *New River* Company to raise a further Sum of Money, to construct other Sewers at *Hertford*, and to amend the Acts relating to the Company.

xliii. An Act to authorize the *West Hartlepool* Harbour and Railway Company to convert Loans into Debenture Stock, to raise further Capital, to arrange with Holders of Shares or Stock for Conversion thereof into other Shares or Stock; and for other Purposes.

xliv. An Act for the *Mansfield and Worksop* Turnpike Road in the County of *Nottingham.*

xlv. An Act for better supplying with Water the Inhabitants of the Borough of *Portsmouth* in the County of *Southampton.*

xlvi. An Act to enable the *North-eastern* Railway Company to make a Branch from their *Bishop Auckland* Branch Railway to the *Conside* Ironworks, to acquire additional Lands; and for other Purposes.

xlvii. An Act for better supplying with Water the Town of *Ipswich.*

xlviii. An Act for making a Bridge over the River *Wye*, near to the *Even Pitt* Ferry, and Approaches thereto; for discontinuing and regulating Ferries near to the Bridge; and for other Purposes.

xlix. An Act for making a Railway from the *Deeside* Railway at *Banchory* to *Charleston* of *Aboyne.*

l. An Act to incorporate a Company for extending the *Banff, Macduff, and Turriff Junction* Railway from *Turriff* to *Banff* and *Macduff.*

li. An Act to extend the Time for making the *Cork and Youghal* Railway, and to vary the borrowing Powers of the Company.

lii. An Act to unite and amalgamate the *Stockton* New Gas Company and the *Stockton* Gas Consumers' Company (Limited); and to authorize the united Company to raise additional Capital, and to sell their Undertaking to the Mayor, Aldermen, and Burgesses of the Borough of *Stockton;* and for other Purposes.

liii. An Act for making a Railway from the *Grange* Station of the *Great North of Scotland* Railway to the Harbour of *Banff*, with a Branch to the Harbour of *Portsoy.*

liv. An Act for making Railways between the City of *Bristol* and the *South Wales* Railway in the County of *Monmouth,* with a Steam Ferry across the River *Severn* in connexion therewith, for the Purpose of improving the Railway Communication between *South Wales* and *Bristol, Southampton,* and the South-western Districts of *England.*

lv. An Act to repeal the Act relating to the *Newcastle-under-Lyme and Leek* Turnpike Roads, and to make other Provisions in lieu thereof.

lvi. An Act to repeal an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving certain Roads leading to, through, and from the Towns of* Langport, Somerton, *and* Castle Cary, *in the County of* Somerset, *and for making and improving other Roads in the said County,* and granting more effectual Powers in lieu thereof, and for making and improving new Lines of Road.

lvii. An Act for authorizing the *Lowestoft* Water, Gas, and Market Company to make additional Waterworks, and raise additional Capital, and to lease their Undertaking; and for other purposes.

lviii. An Act for lighting with Gas the Borough of *Shrewsbury* and the Neighbourhood thereof, in the County of *Salop.*

lix. An Act for incorporating the *Burslem and Tunstall* Gaslight Company, and extending their Powers, and for authorizing additional Works and the raising of further Moneys; and for other Purposes.

lx. An Act for making a Railway from *Lewes* to *Uckfield,* all in the County of *Sussex.*

lxi. An Act to authorize the *Newry, Warrenpoint, and Rostrevor* Railway Company to extend their Railway at *Newry* and at *Warrenpoint,* and to enter into arrangements with the *Newry and Enniskillen* Railway Company.

lxii. An Act to dissolve the *Mallow and Fermoy* Railway Company, and to transfer all the powers of that Company for making and maintaining the *Mallow and Fermoy* Railway to the *Great Southern and Western* Railway Company.

lxiii. An Act for lighting with Gas the Town of *Bury,* and other Townships and Places in the Parish of *Bury,* in the County of *Lancaster.*

lxiv. An Act to extend the Time for the Completion of the *Cannock Mineral* Railway.

lxv. An Act to repeal the Acts relating to the *Selby and Market Weighton* Turnpike Road, in the East Riding of the County of *York;* and to make other Provisions in lieu thereof.

lxvi. An Act for authorizing the *West Somerset Mineral* Railway Company to make the *Minehead* Extension and the *Cleeve* Branch; and for other Purposes.

lxvii. An Act to incorporate the *Stratford-upon-Avon* Gas Company.

lxviii. An Act for granting additional Powers to "The *Australian* Agricultural Company."

lxix. An Act for enabling the *Penarth* Harbour Dock, and Railway Company (heretofore called "The *Ely* Tidal Harbour and Railway Company") to construct Railways to, and a Dock and other Works on or adjoining, the Southwest Bank of the River *Ely,* and for other Purposes.

lxx. An Act for better supplying with Water the Inhabitants of the Parishes of *Saint John the Baptist* (including *Margate*) and *Saint Peter the Apostle* (including *Broadstairs*) in the County of *Kent.*

lxxi. An Act to amend and enlarge the Provisions of the Acts relating to the River *Tyne,* and to enable the *Tyne* Improvement Commissioners to construct Docks at *Coble Dean,* and certain Works for the Improvement of such River; and for other Purposes.

lxxii. An Act for making a Railway from the *London and South-western* Railway at *Wimbledon* to *Epsom;* and for other Purposes.

lxxiii. An Act for regulating the Payment of Dividends on certain Classes of Preference Shares in the *London* Gaslight Company.

lxxiv. An Act for the Improvement of the Town of *Milford* and the Neighbourhood thereof, for establishing Gasworks, Waterworks, and a Cemetery there; and for other puposes.

lxxv. An Act for more effectually making, repairing, and maintaining the Highways, Roads and Bridges, within the County of *Orkney;* and for other Purposes.

lxxvi. An Act to amend "The *East Kent* Railway (Extension to Dover) Act, 1855."

lxxvii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make an Extension Line of Railway to *Sligo,* with branches therefrom; and for other Purposes.

lxxviii. An Act to enable the *Monkland* Railways Company to make and maintain certain Railways in the Counties of *Lanark* and *Linlithgow;* and for other Purposes.

lxxix. An Act to empower the *Briton Ferry* Floating Dock Company to raise Money; and for other Purposes connected with their undertaking.

lxxx. An Act for granting further Powers to "The City and Suburban Gas Company of *Glasgow.*"

lxxxi. An Act to enable the *Scottish Central* Railway Company to make and maintain certain extensions of their *Denny* Branch.

lxxxii. An Act to empower the *Stamford and Essendine* Railway Company to raise Money; and for other Purposes connected therewith.

lxxxiii. An Act, for authorizing the *Victoria* (London) Dock Company to make a new Cut Eastward of their Dock, and to raise additional Capital; and for other Purposes.

lxxxiv. An Act for making Railways from *Athlone to Roscommon* and *Castlereagh,* to be called "The *Great Northern and Western* (of Ireland) Railway;" and for other Purposes.

lxxxv. An Act to enable the *Great Southern and Western* Railway Company to make a Railway from *Tullamore* to *Athlone;* and for other Purposes.

lxxxvi. An Act for making a Railway from the *Edinburgh, Perth and Dundee* Railway at *Markinch* Station to the Town of *Leslie,* with Branches to *Achmuty Mills, Leven Bank Mill,* and *Prinlaws Lower Mills;* and other Purposes.

lxxxvii. An Act for making a Railway from *Keith* to *Dufftown*.

lxxxviii. An Act to repeal so much of the Act relating to the Road from *Bawtry Bridge* in the County of *Nottingham* to *Hainton* in the County of *Lincoln*, and other Roads, as relates to the Second District of Roads therein mentioned, and to make other Provisions in lieu thereof.

lxxxix. An Act to allow a Drawback on the Duties payable on Coals, Culm, Coke, and Cinders.

xc. An Act for incorporating the *European and Indian Junction* Telegraph Company, and for other Purposes connected therewith.

xci. An Act to enable the *West of Fife Mineral* Railway Company to construct a Branch Railway to *Roscobie*; and for certain other Purposes.

xcii. An Act to continue or renew the Powers conferred on the Trustees on the River *Clyde* and Harbour of *Glasgow* to take Lands and execute Works for the Improvement of the Navigation; and for other Purposes.

xciii. An Act to enable the *British* Fisheries Society to enlarge, improve and maintain *Pulteney* Harbour in the County of *Caithness*; and for other Purposes.

xciv. An Act for improving and maintaining the Harbour of *Ellie* in the County of *Fife*.

xcv. An Act for confirming the Title to Lands acquired for the Purposes of the *Newquay* Railway, Part of "the *Treffry* Estates," in the County of *Cornwall*, and for regulating the Railway; and for other Purposes.

xcvi. An Act to empower the *Staines, Wokingham and Woking* Railway Company to make a Railway to connect the *Reading, Guildford, and Reigate* Railway with the *Great Western* Railway; and for other Purposes.

xcvii. An Act to repeal "The River *Slaney* Improvement Act, 1852," and to make better Provision for the Execution of the Objects of that Act; and for other Purposes connected with the River *Slaney*.

xcviii. An Act to empower the *Stockport, Disley, and Whaley Bridge* Railway Company to extend their Railway to *Buxton*, and for other Purposes connected with their Undertaking.

xcix. An Act for the *Worksop and Attercliffe* Turnpike Road in the County of *Nottingham* and the West Riding of the County of *York*.

c. An Act for the Abandonment of the *Westminster Terminus* Railway Extension, *Clapham* to *Norwood*, and for other Purposes.

ci. An Act for making a Bridge across the River *Backwater* near *Weymouth*, and a Turnpike Road, and other Works in connexion therewith, in the County of *Dorset*; and for other Purposes.

cii. An Act to incorporate and regulate the *Atlantic* Telegraph Company, and to enable the Company to establish and work Telegraphs between *Great Britain, Ireland*, and *Newfoundland*; and for other Purposes.

ciii. An Act for making a Railway from the *Torquay* Branch of the *South Devon* Railway to or near to *Dartmouth*, to be called The "*Dartmouth and Torbay* Railway; and for other Purposes.

civ. An Act to enable the *Dundalk and Enniskillen* Railway Company to make certain Deviations and Alterations in their Line and Works; and for other Purposes connected with their Undertaking.

cv. An Act to authorize the *East Somerset* Railway Company to extend their Railway from *Shepton Mallet* to *Wells*.

cvi. An Act for making a Railway from the *Llanidloes and Newtown* Railway in the Parish of *Llandinam* in the County of *Montgomery* to the Town of *Machynlleth* in the same County.

cvii. An Act for repairing the Roads from *Prestwich* to *Bury* and *Radcliffe* in the County Palatine of *Lancaster*, and for making and maintaining as Turnpike certain other Roads in connexion therewith, all in the same County; and for other Purposes.

cviii. An Act for authorizing the Conversion of Parts of the *Shropshire* Canal to Purposes of a Railway, and the making and maintaining of a Railway accordingly, and for Authorizing Arrangements between the *London and Northwestern* Railway Company and other Companies; and for other Purposes.

cix. An Act for improving the *North Level* Drainage, and for other Purposes relating to the Level.

cx. An Act for making a Railway from *Broughton* to *Coniston* in the County Palatine of *Lancaster*; and for other Purposes.

cxi. An Act for establishing and maintaining a Ferry and Floating Bridge across the River *Waveney*, near *Burgh Saint Peter* Staithe in the Parishes of *Oulton* in the County of *Suffolk*, and *Burgh Saint Peter* in the County of *Norfolk*, with proper Works and Approach Roads thereto.

cxii. An Act for making a Railway from the *Essendine* Station of the *Great Northern* Railway to *Bourn* in the County of *Lincoln*; and for other Purposes.

cxiii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make a Railway from *Streamstown* to *Clara*; and for other Purposes.

cxiv. An Act to amend and enlarge some of the Provisions of "The *Blyth and Tyne* Railway Consolidations and Extension Act, 1854;" to authorize the Relinquishment of a Branch Railway authorized by that Act, and the Construction of other Railways and Works in connection with the *Blyth and Tyne* Railway.

cxv. An Act to enable the Metropolitan Board of Works to open certain new Streets in the City and Liberties of *Westminster* and in the Borough of *Southwark*.

cxvi. An Act for the making and maintaining of the *Stratford-upon-Avon* Railway; and for other Purposes.

cxvii. An Act to make better Provision for the Burial of the Dead in the City of *Manchester*, and for enabling the Corporation to purchase certain Lands and effect certain Improvements in that City.

cxviii. An Act to amend Two several Acts passed respectively in the Fifth Year of the Reign of His late Majesty King *George* the Fourth and the Second Year of His late Majesty King *William* the Fourth, intituled respectively *An Act to repeal the several Acts for the Relief and Employment of the Poor of the Parish of* Saint Mary Islington *in the County of* Middlesex; *for lighting and watching, and preventing Nuisances and Annoyances therein; for amending the Road from* Highgate *through* Maiden Lane, *and several other Roads in the said Parish;*

and for providing a Chapel of Ease and an additional Burial Ground for the same; and to make more effectual Provisions in lieu thereof; and *An Act to equalize the Ecclesiastical Burthens of the Parish of* Saint Mary Islington *in the County of* Middlesex; *for partially altering the Application of the Rents and Profits of the* Stonefields *Estate within the said Parish; for letting the Pews in the Parish Church of* Saint Mary Islington *and the Chapel of Ease thereto; and for other Purposes connected therewith;* and to make other and more effectual Provisions in lieu thereof.

cxix. An Act to enable the *Newport, Abergavenny and Hereford* Railway Company to extend their Railway into the *Aberdare and Bargoed* Valleys in *Glamorganshire,* and for other Purposes connected with the Company.

cxx. An Act to amend and enlarge the Powers of the Acts relating to the *Portadown and Dungannon* Railway Company, and to enable that Company to extend their Railway to the Town of *Omagh* in the County of *Tyrone,* and to enter into certain Arrangements with the *Ulster* and other Railway Companies with respect to the working and leasing of the Railway; and for other Purposes.

cxxi. An Act to enable the *Salisbury and Yeovil* Railway Company to make Deviations from the Line of their Railway, and for other Purposes connected with their Undertaking.

cxxii. An Act to enable the *Whitehaven and Furness Junction* Railway Company to raise additional Capital; and for other Purposes.

cxxiii. An Act to enable the *Caledonian* Railway Company to construct Branch Railways from their Line near *Edinburgh* to *Granton;* and for other Purposes.

cxxiv. An Act for making a Railway from the *Dunfermline* Branch of the *Edinburgh, Perth, and Dundee* Railway to *Kinross,* with a Branch to *Kingseat;* and for other Purposes.

cxxv. An Act to extend the Time for the Purchase of certain Lands required for the *Metropolitan* Railway; and for other Purposes.

cxxvi. An Act to enable the *South Staffordshire* Waterworks Company to alter and extend their Works, and obtain an additional Supply of Water; and for other Purposes.

cxxvii. An Act for incorporating the *Victoria* Gas Company, and for authorizing them to acquire and enlarge the *North Woolwich* Gasworks, and to supply Gas; and for other Purposes.

cxxviii. An Act for making a Railway from near *Hamilton* to near *Strathaven* in the County of *Lanark,* to be called "The *Hamilton and Strathaven* Railway; and for other Purposes.

cxxix. An Act to enable the *Fife and Kinross* Railway Company to divert Part of their main Line, and to make an Extension from *Milnathort* to *Kinross.*

cxxx. An Act to enable the *Great Yarmouth* Waterworks Company to raise a further Sum of Money.

cxxxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Otley and Skipton* Turnpike Road, and to create a further Term therein; and for other Purposes.

cxxxii. An Act to give further Powers to the Mayor, Aldermen, and Burgesses of the Borough of *Salford* with respect to Burial Purposes, and to authorize Arrangements with respect to Lands in and near *Marlborough Square* in *Salford.*

cxxxiii. An Act for making a Railway from the *London, Brighton, and South Coast* Railway at *Horsham,* through *Billingshurst* to *Pulborough,* with a Branch from *Pulborough* to *Coultershaw Mill* in the Parish of *Petworth,* all in the County of *Sussex.*

cxxxiv. An Act authorizing the *North-western* Railway Company to divert a Portion of their Railway, and to sell or grant a Lease of their Undertaking to the *Midland* and *Lancaster and Carlisle* Railway Companies.

cxxxv. An Act to amend an Act of the Twenty-first Year of the Reign of King *George* the Third, "to prevent the Mischiefs that arise "from driving Cattle within the Cities of *London* and *Westminster,* and Liberties thereof, "and Bills of Mortality," and also to amend "The Metropolitan Market Act, 1851."

cxxxvi. An Act for authorizing the *London and South-western* Railway Company and others to make Deviations from their authorized Lines of Railway and other Works; and for authorizing divers other Matters affecting that Company and other Companies and Undertakings; and for other Purposes.

cxxxvii. An Act for the Construction of Railways to supply direct Communication between *Oldham, Ashton-under-Lyne,* and *Guide Bridge* and for the Accommodation of the Neighbourhood.

cxxxviii. An Act to make Provision with respect to Capital fraudulently created in the *Great Northern* and *East Lincolnshire* Railway Companies.

cxxxix. An Act for authorizing an Extension of the *Dorset Central* Railway; for regulating the Capital of the *Dorset Central* Railway Company; and for other Purposes.

cxl. An Act for consolidating the Acts relating to the *Rhymney* Railway Company, and for authorizing the Company to make and maintain a Branch Railway, and for regulating the Capital of the Company: and for other Purposes.

cxli. An Act for the Maintenance, Regulation, and Improvement of *Watchet* Harbour in the County of *Somerset;* and for other Purposes.

cxlii. An Act for the Transfer of the Docks of the *Swansea* Dock Company to the *Swansea* Harbour Trustees; and for authorizing those Trustees to make further Works, and raise further Moneys; and for other Purposes.

cxliii. An Act for authorizing Traffic Arrangements between the *West End of London and Crystal Palace* and the *London, Brighton, and South Coast,* the *South-eastern,* and *London and South-western* Railway Companies; for Sale of the *West London and Crystal Palace* Railway; for extending the Time for completing Railways; and for other Purposes.

cxliv. An Act for repairing the Road from *Haslingden* to *Todmorden,* and several Branches therefrom, all in the County Palatine of *Lancaster;* and for other Purposes.

cxlv. An Act to authorize the Construction of a Railway from *Taunton* to the Harbour of *Watchet;* and for other Purposes relating to the said Railway and Harbour.

cxlvi. An Act to alter, amend, and consolidate the

Acts relating to the Company of Proprietors of the *Norfolk* Estuary.

cxlvii. An Act to provide for the Conservation of the River *Thames*, and for the Regulation, Management, and Improvement thereof.

cxlviii. An Act to consolidate and amend the Acts for the more effectual Preservation and Increase of Salmon, and the Regulation of the Fisheries in the River *Tweed*.

cxlix. An Act to authorize the Construction of a Railway from *Castle Douglas* in the Stewartry of *Kirkcudbright* to *Portpatrick* in the County of *Wigtown*.

cl. An Act to enable the Metropolitan Board of Works to form a Park for the Northern Suburbs of the Metropolis, to be called *Finsbury Park*.

cli. An Act to enable the *Sittingbourne and Sheerness* Railway Company to alter the Line and Levels of Portions of their authorized Line and abandon Portions thereof; to construct new Branches and other Works; to authorize Working Arrangements with the *East Kent* Railway Company; to amend "The *Sittingbourne and Sheerness* Railway Act, 1856;" and for other Purposes.

clii. An Act for making a Railway from *Herne Bay* to *Faversham*, and for other Purposes connected therewith.

cliii. An Act for enabling the *Taff Vale* Railway Company to construct new Lines of Railway, to alter, widen, and improve Portions of their existing Railway, and for other Purposes.

cliv. An Act for the Transfer of the Interests of the Class A Shareholders of the *Saint Andrew's and Quebec* Railroad Company to "The *New Brunswick and Canada* Railway and Land Company (Limited)."

clv. An Act to enable the *South-eastern* Railway Company to make or complete a short Line of Railway at *Tunbridge;* and for other Purposes.

clvi. An Act enabling the *Newry and Enniskillen* Railway Company to construct their Railway as far as the City of *Armagh;* for changing the Name of the Company; and for consolidating their Acts.

clvii. An Act for abolishing certain Jurisdiction of the Sheriffs Courts of the City of *London*, and for amending the Process, Practice, and Mode of Pleading in the Mayor's Court, and for extending the Jurisdiction thereof.

clviii. An Act to authorize the *Wycombe* Railway Company to extend their Railway to *Princes Risborough* and to *Thame*.

clix. An Act for incorporating the *Eastern Bengal* Railway Company, and for other Purposes.

clx. An Act for authorizing the *Scinde* Railway Company to extend their Operations, and for regulating the Capital of the Company; and for other Purposes.

clxi. An Act for making a Railway from the *Lancaster and Carlisle* Railway in the Parish of *Kendal* in the County of *Westmoreland* to the *North-western* Railway at or near *Ingleton* in the West Riding of the County of *York*, with a Branch therefrom; and for other Purposes.

clxii. An Act for consolidating the Docks at *Liverpool* and *Birkenhead* into One Estate, and for vesting the Control and Management of them in One Public Trust; and for other Purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for enabling the Trustees in whom the Lands and Estate of *Scotscraig* in the County of *Fife* are vested to grant Feus of certain Portions thereof.
2. An Act to amend and explain *Fleming's* Estate Act, 1852.
3. An Act for authorizing the Dean and Chapter of *Hereford* to raise Money for the Repair of the Cathedral Church of *Hereford*.
4. An Act to enable the Trustees of the Will of the late *Francis* Duke of *Bridgewater* to complete the purchase of the *Runcorn and Weston* Canal, and to enable such Trustees more effectually to administer the Trusts of the Will of the said Duke.
5. An Act for authorizing the Sale to the *Dorset Central* Railway Company, in consideration partly of a yearly Rentcharge and partly of a gross Sum, of Part of the Settled Estates in the County of *Dorset* of which the Right Honourable *George Pitt Rivers* Lord *Rivers* is now Tenant for Life in possession; and for other Purposes.
6. An Act for carrying into effect an agreement for a Compromise of the Suit of "*Carew versus Waugh*," now pending in the High Court of Chancery, and for vesting the Estates to which the Suit relates in Trustees upon Trust for Sale; and for other Purposes.
7. An Act for authorizing the raising of money on the Security of Estates in the County of *Glamorgan*, settled by the Will of the Right Honourable *Other Archer* late Earl of *Plymouth* deceased, and the Application of the Money for the Improvement of Parts of the Estates, in order to render them available as Building Lands, and for confirming an Agreement with the *Penarth* Harbour, Dock, and Railway Company, heretofore called the *Ely* Tidal Harbour and Railway Company; and for other purposes.

PRIVATE ACTS,

NOT PRINTED.

8. AN Act for authorizing *Maria Cecilia Agatha Anna Josepha Laurentia Donata Melchiora Balthassara Gaspara* Princess *Giustiniani*, Widow of *Charles* Marquess *Bandini*, to take the Oath proper to be taken by her prior to her Naturalization before Her Majesty's Envoy Extraordinary to the Grand Duke of *Tuscany*, or any other Member of Her Majesty's Legation at the Court of *Tuscany*, and to give her consent in Writing to the passing of the Bill for her Naturalization.

9. An Act to dissolve the Marriage of *Edward Ley*, Oil Cooper, with *Rosanna Sarah Ley*, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

10. An Act to dissolve the Marriage of *Alexander Campbell* with *Maria* his now Wife, and to enable him to marry again; and for other Purposes.

11. An Act to dissolve the Marriage of *Henry Smith*, Esquire, with *Julia* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

12. An Act to enable *Robert Shepherd*, Clerk, to exercise his Office of a Priest, and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.

13. An Act to dissolve the Marriage of *William Frederick Baring*, Esquire, with *Emily* his now Wife, and to enable him to marry again; and for other Purposes.

14. An Act for naturalizing *Maria Cecilia Agatha Anna Josepha Laurentia Donata Melchiora Balthassara Gaspara* Princess *Giustiniani*, Widow of *Charles* Marquess *Bandini* in the *Roman* States, and *Sigismund Nicholas Venantius Gaietano Francis* Marquess *Bandini*, the only Son and Heir Apparent of the said Princess *Guistiniani* Marchioness Dowager *Bandini* by the said *Charles* Marquess *Bandini* her late Husband.

15. An Act to dissolve the Marriage of *Robert Keays*, Esquire, with *Maria Eliza* his now Wife, and to enable him to marry again; and for other Purposes.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE FIRST SESSION OF

THE SEVENTEENTH PARLIAMENT OF THE UNITED KINGDOM,

20° & 21° VICTORIA,

1857.

Explanation of the Abbreviations.

1 *R.* 2 *R.* 3 *R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*Consid.*, Consideration.—*Rep.*, Report.—*Adj.*, Adjourned.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.* Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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ERRATA.

In Vol. [146] pages 179–180, *for* Mr. C. CLIVE, *read* Mr. G. CLIVE.
In Vol. [147] page 930, *for* Mr. WYSE, *read* Mr. WISE.
In Vol. [147] page 1184, *for* Clause 8, *read* Clause 9.
In Vol. [147] page 1474, line 5 from bottom, *for* VISCOUNT DUNGANNON, *read* VISCOUNT DUNCAN.

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